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S.C. SUPREME COURT

January 16, 2024

The Honorable Jeanette W. McBride
P. O. Box 2766
Columbia, SC 29202-2766

Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Willene James v. Richard Johnson
Lower Court Case No: 2022CP4006365
Appellate Case No. 2023-001324

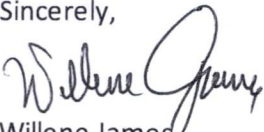
Dear Judge McBride and Clerk Kitchings:

This letter is to inform you that the court mailed me a letter dated October 11, 2023, postmarked on January 9, 2024, was not received until January 12, 2024. This was an error on behalf of the court. (See attached letter)

I believe that my due process rights have been violated and I am asking this court to give me a written explanation and to remedy this error.

Should you have any questions, please contact me at (678)725-2251.

Sincerely,


Willene James

Appellant

Cc: Richard Johnson

The Honorable Jocelyn Newman

Governor Henry McMaster



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

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FAX: (803) 734-1839
www.sccourts.org

October 11, 2023

The Honorable Jeanette W. McBride
PO Box 2766
Columbia SC 29202-2766

REMITTITUR

Re: Willene James v. Richard Johnson
Lower Court Case No. 2022CP4006365
Appellate Case No. 2023-001324

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in cursive script that reads "Catherine Harrison, deputy".

CLERK

Enclosure

cc: Willene James
Richard Johnson
The Honorable Jocelyn Newman

South Carolina Court of Appeals

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South Carolina Judicial Branch

TRANSCRIPT REQUEST FORM

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter/Transcriptionist and to South Carolina Court Administration at transcripts@sccourts.org. If WebEx or DCRP were used to capture the record, please indicate below and send the form to transcripts@sccourts.org.

Requestor's Information			
Full Name <i>Willene James</i>	Law Firm/Agency	Phone Number <i>(678) 725-2251</i>	
Email Address <i>WLJARI@MSN.COM</i>	Mailing Address <i>5757 Southland Drive Stone Mountain, GA 30087</i>		
Is the requestor a party in the case? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, does the requestor represent a party? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of party			
Transcript Information			
Docket Number <i>2022CP4006365</i>	Full Case Caption (i.e. State v. John Doe or John Smith v. Jane Smith) <i>Willene James Vs Richard Johnson</i>	Circuit <input checked="" type="checkbox"/>	Family <input type="checkbox"/>
Date(s) of Proceeding <i>7/14/2023</i>	County <i>Richland</i>	Appeal pending <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Death Penalty <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Presiding Judge <i>Joycelyn Newman</i>	Special Circumstances Is the hearing to be transcribed one of the following: <input type="checkbox"/> Termination of parental rights <input type="checkbox"/> Adoption <input type="checkbox"/> Any actions involving child custody/visitation.		
Opposing Counsel(s) (name and email address) <i>N/A</i>	Delivery Timeframe (check Rule 607 for current page rates) <input type="checkbox"/> Quote <input type="checkbox"/> Rough Draft <input type="checkbox"/> Overnight delivery <input type="checkbox"/> Daily delivery <input type="checkbox"/> Expedited delivery (7 days) Due on/before: <input type="checkbox"/> Regular delivery (60 days)		
Court Reporter(s)	<input type="checkbox"/> WebEx <input type="checkbox"/> DCRP	Delivery Method (additional fees may apply) <input type="checkbox"/> PDF / Email <input type="checkbox"/> Hard Copy/Priority Mail (\$50 + shipping) <input type="checkbox"/> PDF & Hard Copy/Priority Mail (\$50 + shipping)	
Portion of proceeding to be transcribed <input checked="" type="checkbox"/> Entire hearing <input type="checkbox"/> Voir dire by juror <input type="checkbox"/> Jury selection <input type="checkbox"/> Plaintiff's opening statement <input type="checkbox"/> Defendant's opening statement <input type="checkbox"/> Plaintiff's closing arguments <input type="checkbox"/> Defendant's closing arguments <input type="checkbox"/> Entire direct examination <input type="checkbox"/> Entire cross examination <input type="checkbox"/> Entire redirect <input type="checkbox"/> Examination of witness (W) by attorney (A) W: _ A: _ <input type="checkbox"/> Ruling of the court		Responsible Payor <input checked="" type="checkbox"/> Private / Self <input type="checkbox"/> Court Appointed Counsel <i>Appeals Attorney</i> <i>Email</i> <input type="checkbox"/> Other	
Next Hearing Date			

Requestor's Signature: *Willene James*
(Typed name will serve as signature)

Date: *9/14/2023*

NOTE: Requests will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party, regardless of indigent status. Please promptly submit your payment in the method of payment requested, in order for the transcript to be produced. In some cases, a deposit may be required before the transcript can be placed in the production queue. You may also request a quote before deciding to order. *If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.*

If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter or transcriptionist.

RE: Transcript Request Form/Willene James

Transcripts <transcripts@sccourts.org>

Thu 9/14/2023 3:57 PM

To: willene James <wljari@msn.com>

Cc: Transcripts <transcripts@sccourts.org>

Good afternoon,

Your transcript request has been received by our office. You should receive communication from a transcriptionist within 5 days with an estimated cost for production.

Thank you.

Court Reporter Section

From: willene James <wljari@msn.com>

Sent: Thursday, September 14, 2023 3:28 PM

To: Transcripts <transcripts@sccourts.org>

Subject: Transcript Request Form/Willene James

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Please order the transcript for Case Number 2022CP40063265 for Willene James vs Richard Johnson

Thanks

Willene James

Plaintiff

(678)725-2251 cell

(803)318-2514 cell

From: Willene James <wjames63@icloud.com>

Sent: Thursday, September 14, 2023 3:14 PM

To: Willene James <wljari@msn.com>

Subject: Document - Sep 14, 2023

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Sent from my iPhone

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678-725-2251 cell

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**From:** Johnson, Penny <pjohnson@sccourts.org>  
**Sent:** Sunday, September 17, 2023 5:43:56 PM  
**To:** WLJARI@msn.com <WLJARI@msn.com>  
**Cc:** Transcripts <transcripts@sccourts.org>  
**Subject:** Willene James vs. Richard Johnson

I have received your request for the above transcript. The approximate cost will be \$51. Upon receipt of payment by cashier's check or money order, I will begin preparation. I will have 60 days to complete. You can mail payment to Penny Johnson, 405 Woodvale Lane, Aiken, SC 29801.

Thank you

*Penny M. Johnson  
Court Reporter III  
2nd Judicial Circuit*

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The South Carolina Court of Appeals

Willene James, Appellant,

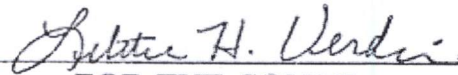
v.

Richard Johnson, Respondent.

Appellate Case No. 2023-001324

ORDER

On September 22, 2023, this court dismissed this appeal after Appellant failed to provide proof of ordering the transcript, as required by Rule 207, SCACR. On October 11, 2023, the remittitur was properly sent. *See* Rule 221, SCACR (providing the remittitur shall not be sent to the lower court until fifteen days have elapsed since the filing of the order or opinion finally disposing of the appeal). Appellant has now filed a motion to recall the remitter and reinstate this appeal. A remittitur cannot be recalled except upon "a very strong showing . . . that the remittitur was sent down through some mistake or inadvertence on the part of this Court or its officer." *State v. Keels*, 39 S.C. 553, 17 S.E. 802 (1893). Appellant has failed to make such a showing. The motion, therefore, is denied.



FOR THE COURT

Columbia, South Carolina

cc:

Willene James

Richard Johnson

Jeanette W. McBride

The Honorable Jocelyn Newman

FILED
Jan 09 2024

South Carolina Court of Appeals

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