

Jul 12 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Aiken County

Honorable Maite Murphy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KEMONTEE DEVONTA BLOCKER,

APPELLANT

APPELLATE CASE NO. 2024-000825

MOTION TO REINSTATE APPEAL

The undersigned counsel petitions the Court to reinstate the direct appeal of Kemontee Devonta Blocker. In support of this petition, counsel would respectfully show the Court that:

1. Trial counsel served and filed the notice of intent to appeal on May 21, 2024.
2. After receiving notification that a notice of appeal was filed, the Office of Appellate Defense contacted trial counsel to obtain the dates of appellant's trial to order the transcript.
3. When receiving the trial dates from trial counsel recently in order to request the necessary transcripts for this appeal, undersigned counsel's staff was notified by trial counsel that appellant had an upcoming hearing date for his post-trial motions that this office was not previously aware had been filed. Undersigned counsel later learned that these post-trial motions were heard by the trial judge on Monday, July 8, 2024, and denied that same day.

4. On Wednesday, July 10, 2024, this Court dismissed the present appeal due to the failure of appellant to order the transcript as provided in Rule 207, SCACR.

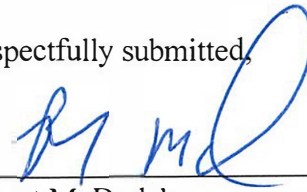
5. The notice of intent to appeal was served on the solicitor on May 17, 2024, and filed with this Court on May 21, 2024, and the post-trial motions were filed in the lower court on May 21, 2024. Therefore, the lower court was without jurisdiction to hear the post-trial motions on July 8, 2024 since appellant's appeal was pending before this Court and no order remanding this case to the lower court to hear and rule on the post-trial motions was sought or issued, nor was this appeal dismissed without prejudice in order for the lower court to have jurisdiction to hear these post-trial motions. See Hudson v. Hudson, 290 S.C. 215, 349 S.E.2d 341 (1986). Therefore, the post-trial motions, the hearing on those post-trial motions, and the order denying them were each a nullity. Cf. State v. Funderburk, 259 S.C. 256, 191 S.E.2d 520 (1972).

6. The Division of Appellate Defense did not order the transcript in this case due to confusion when staff learned of the pending post-trial motions. However, it is now apparent the lower court was without jurisdiction to hear those post-trial motions because Appellant Blocker's timely served and filed appeal was pending in this Court. Therefore, if this Court reinstates appellant's appeal, the interests of justice will respectfully be served, and this appeal will be allowed to proceed since it was timely served and filed. Further, the transcripts required for this appeal have now been ordered as evidenced by Exhibit A, attached to this motion to reinstate.

7. Undersigned counsel understands the Office of the Attorney General takes no position on this motion.

WHEREFORE, undersigned counsel respectfully requests that the direct appeal for Kemontee Devonta Blocker be reinstated.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

This 12th day of July, 2024.

EXHIBIT A



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332

Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1345

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

July 12, 2024

Mr. Joseph Hoskins, DCRP
7445 Monticello Road
Columbia, SC 29203-1521

Dear Mr. Hoskins:

Please provide us with the following transcript:

The State v. Kemontee D. Blocker

Case #: 2023-GS-02-02366, -02367, -02369,
-02370

Appellate Case No. 2024-000825

County: Aiken

Date of Trial: May 13-16, 2024

Presiding Judge: Maite Murphy

Pursuant to the SC Court Reporter's Manual, please number the lines on the paper from 1-25 and include any and all recorded motions (pretrial and post-trial). Consecutive numbering of pages must be used throughout all volumes regardless of the number of volumes involved. Additionally, please transcribe the **jury selection** and the State and defense counsel's **opening and closing arguments** and include the **jury strike sheet**. Please be sure to include **headers** and a **complete index** including a **listing of exhibits**. **Please, do not include keyword indexing.**

If you are aware of any co-defendants, additional transcripts, or if the Attorney General's Office has already requested a transcript, please let us know.

Please send transcripts electronically, you must use the SC Department of Technology's file transfer service at <https://scfiledrop.sc.gov>. New users click the register button to sign up for the service. For assistance with registration or passwords, contact the SC Department of Technology Service Center at 803-896-0001, option 2.

To ensure prompt payment, please sign and complete the enclosed form and include the original criminal case number (indictment number) where the space is provided.

Sincerely,

s/ Sara McInnis
Administrative Assistant

cc: S. C. Court of Appeals
Attorney General's Office
S. C. Court Administration

**SCCID**

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

**COURT REPORTERS' REQUEST FOR PAYMENT FOR
TRANSCRIPT IN CRIMINAL INDIGENCY CASE****TO: SC COMMISSION ON INDIGENT DEFENSE**
PO BOX 11589
COLUMBIA, SC 29211-1589

SIGNATURE OF APPROVING OFFICIAL AT APPELLATE DEFENSE:

FORWARD THIS SIGNED AND COMPLETED FORM ALONG WITH THE REQUESTED TRANSCRIPT TO THE SC COMMISSION ON INDIGENT DEFENSE, APPELLATE DIVISION. THE SC COMMISSION ON INDIGENT DEFENSE, APPELLATE DIVISION WILL APPROVE THIS REQUEST FOR PAYMENT AND FORWARD THE REQUEST TO THE S.C. COMMISSION ON INDIGENT DEFENSE FOR PAYMENT. ALL QUESTIONS REGARDING PAYMENT SHOULD BE MADE TO THE S.C. COMMISSION ON INDIGENT DEFENSE P.O. BOX 11433, COLUMBIA, SC 29211-1433, PHONE: (803) 734-1343, E-Mail: executive@sccid.sc.gov.

CASE NAME:

CRIMINAL CASE (INDICTMENT) NO.(s):

DATE TRANSCRIPT REQUESTED BY APPELLATE DEFENSE:

DATE TRANSCRIPT PROVIDED TO APPELLATE DEFENSE:

PLEASE NOTE THAT THE DEFENSE OF INDIGENTS FUND WILL REIMBURSE THE REQUESTING PARTY FOR EITHER THE ORIGINAL TRANSCRIPT OR ONE COPY, BUT NOT FOR BOTH. PLEASE DO NOT INCLUDE KEYWORD INDEXING.

RULE 607 (H)(1), SCACR, PROVIDES THAT IN ALL CRIMINAL INDIGENCY CASES, INCLUDING POST-CONVICTION AND SEXUAL VIOLENT PREDATOR PROCEEDINGS, THE FEE FOR THE ORIGINAL TRANSCRIPT IS FOUR DOLLARS AND TWENTY-FIVE CENTS (\$4.25) PER PAGE AND THE FEE FOR A COPY OF THE TRANSCRIPT IS ONE DOLLAR (\$1.00) PER PAGE.

PURSUANT TO THE REQUEST OF THE S.C. COMMISSION ON INDIGENT DEFENSE, APPELLATE DIVISION, THE TRANSCRIPT IN THE ABOVE MATTER WAS PROVIDED TO THAT OFFICE. REIMBURSEMENT IN THE FOLLOWING AMOUNT IS HEREBY REQUESTED:

☐ ORIGINAL TRANSCRIPT OF _____ PAGES: \$ _____

☐ COPY OF ORIGINAL TRANSCRIPT OF _____ PAGES: \$ _____

☐ OTHER (Please specify): _____ : \$ _____
TOTAL PAYMENT REQUESTED:\$

PRINTED OR TYPED NAME OF COURT REPORTER:

SIGNATURE OF COURT REPORTER:

ADDRESS:

A SC VENDOR IDENTIFICATION NUMBER, WHICH IS ISSUED BY THE SC COMPTROLLER GENERAL'S OFFICE, AND IS NEITHER A FEDERAL EMPLOYER IDENTIFICATION NUMBER NOR AN INDIVIDUAL SOCIAL SECURITY NUMBER, IS REQUIRED FOR PAYMENT PROCESSING. (SCCID DOES NOT REQUIRE A FEI OR SSN)

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<https://webprod.cio.sc.gov/SCVendorWeb/mainNewFrame.do>

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NOTE: ONCE YOU APPLY FOR A SC VENDOR ID, THE SC COMPTROLLER GENERAL'S OFFICE REQUIRES A 72-HOUR WAITING PERIOD TO VERIFY YOUR ID NUMBER. ADDITIONAL LINKS AND INFORMATION MAY BE FOUND AT:

<http://sccid.sc.gov/register.cfm>

EMAIL ADDRESS:

VENDOR ID NUMBER:

SCCID USE ONLY:

SCCID FILE NUMBER:

DOCUMENT NUMBER:



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 Sara McInnis		Law Firm/Agency South Carolina Commission on Indigent Defense	Phone Number 803-734-1330
Email Address smcinnis@sccid.sc.gov		Mailing Address PO Box 11589 Columbia, SC 29211	
Is the requestor a party in the case? ☒ Yes ☐ No If no, does the requestor represent a party? ☐ Yes ☐ No If yes, name of party _____			
Transcript Information			
Docket Number 2023-GS-02-02366	Full Case Caption (i.e. State v. John Doe or John Smith v. Jane Smith) The State v. Kemontee D. Blocker		Circuit ☒ Family ☐
Date(s) of Proceeding	County	Appeal pending ☒ Yes ☐ No	Death Penalty • Yes ☐ No
Presiding Judge		Special Circumstances Is the hearing to be transcribed one of the following: ☐ Termination of parental rights ☐ Adoption ☐ Any actions involving child custody/visitation.	
Opposing Counsel(s) (name and email address) South Carolina Attorney General			
Court Reporter(s)	☐ Webex ☐ DCRP	Delivery Timeframe (check Rule 607 for current page rates) ☐ Quote ☐ Rough Draft ☐ Overnight delivery ☐ Daily delivery ☐ Expedited delivery (7 days) Due on/before: _____ ☐ Regular delivery (60 days)	
Portion of proceeding to be transcribed ☒ Entire hearing ☐ Voir dire by juror ☐ Jury selection ☐ Plaintiff's opening statement ☐ Defendant's opening statement ☐ Plaintiff's closing arguments ☐ Defendant's closing arguments ☐ Entire direct examination ☐ Entire cross examination ☐ Entire redirect ☐ Examination of witness (W) by attorney (A) W: _____ A: _____ ☐ Ruling of the court		Delivery Method (additional fees may apply) ☐ https://scfiledrop.sc.gov ☐ Hard Copy/Priority Mail (\$50 + shipping) ☐ PDF & Hard Copy/Priority Mail (\$50 + shipping)	
		Responsible Payor ☐ Private / Self ☒ Court Appointed Counsel Appeals Attorney _____ Email _____ ☐ Other	
Next Hearing Date			

Requestor's Signature: Sara McInnis

Date: 07/12/2024

(Typed name will serve as signature)

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.

RECEIVED

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SC Court of Appeals

STATE OF SOUTH CAROLINA
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Appeal from Aiken County

Honorable Maite Murphy, Circuit Court Judge

THE STATE,

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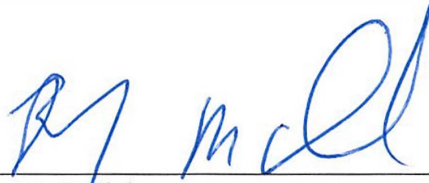
KEMONTEE DEVONTA BLOCKER,

APPELLANT

APPELLATE CASE NO. 2024-000825

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Motion to Reinstate the Appeal in the above referenced case has been served upon Melody J. Brown, Esquire, and P. Brianne Steiner, Esquire, at their primary e-mail addresses listed in the Attorney Information System (AIS), this 12th day of July, 2024.



Robert M. Dudek
Chief Appellate Defender

From: [Mcinnis, Sara](#)
To: mbrown@scag.gov; [Brienne Steiner](#)
Cc: abennett@scag.gov; [Dudek, Robert](#)
Subject: 2024-000825 The State v. Kemontee Blocker Motion to Reinstate Appeal
Date: Friday, July 12, 2024 4:08:00 PM
Attachments: [2024-000825 State v. Kemontee Blocker Motion to Reinstate Appeal.pdf](#)

Good Afternoon,

Attached for service in the above-referenced case is the motion to reinstate the appeal. This motion will be filed with the Court of Appeals today, July 12, 2024, via email filing.

Thank you,

Sara McInnis

Administrative Assistant
South Carolina Commission on Indigent Defense
Appellate Division
(803) 734-1330