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THE STATE OF SOUTH CAROLINA **Nov 27 2024**  
IN THE COURT OF APPEALS

SC Court of Appeals

APPEAL FROM THE CLARENDON COUNTY  
COURT OF COMMON PLEAS

THE HONORABLE R. KIRK GRIFFIN, CIRCUIT COURT JUDGE

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APPELLATE CASE NO. 2024-001439

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In the Matter of the Care and Treatment of Michael Terrance Lawyer, Appellant

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**MOTION TO RECONSIDER AND REOPEN**

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Appellant Michael Terrance Lawyer, by and through his undersigned attorney Kindle Kay Johnson, hereby moves the Court to reconsider its ruling and reopen this case for extraordinary and compelling reasons.

**CASE HISTORY**

- 1) On August 21, 2024, Michael Terrance Lawyer (“Appellant”) was involuntarily committed as a Sexually Violent Predator by jury trial conducted in Clarendon County, South Carolina before the Honorable R. Kirk Griffin, Circuit Court Judge.<sup>1</sup>
- 2) On August 28, 2024, the undersigned filed a Notice of Appeal on Appellant’s behalf. She

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<sup>1</sup> See Final Order of Commitment (2022-DR-14-00385).

simultaneously filed a request for the trial transcript.

- 3) On November 6, 2024, the Court issued a letter requesting status of the transcript (“letter”). The undersigned received the letter the same day.
- 4) Attorney Johnson inquired about the transcript. On November 12, 2024, she received notice that the court reporter had been granted an extension to prepare the transcript (by the new deadline of November 28, 2024). The extension was entitled “Notice.” (Exhibit A). As such, Attorney Johnson was under the mistaken assumption that an arm of the court was **notifying her** that an extension had been granted, thereby eliminating the need for her provide a status letter to the court.
- 5) On November 25, 2024, the undersigned received notice that the court reporter had been granted another extension for the transcript to be delivered by December 28, 2024. The extension was again entitled “Notice.” Attorney Johnson remained under the mistaken belief that an arm of the court was notifying her that an extension had been granted, thereby eliminating the need for a status letter. (Exhibit B).
- 6) On November 26, 2024, Attorney Johnson received notice of the Court’s dismissal of this appeal pursuant to Rule 207, SCACR.

### **MOTION TO RECONSIDER AND REOPEN**

Attorney Johnson now moves this Court to reconsider its dismissal of the appeal and reopen the case for extraordinary and compelling reasons.

- 7) As evidenced by the Transcript Request Form submitted to the Court on August 21, 2024, the transcript in this case had been duly and properly requested pursuant to Rule 207, SCACR.
- 8) Attorney Johnson failed to respond to the Court's letter due to her good faith belief that the

court had resolved the issue by granting the court reporter an extension to prepare the transcript.  
Attorney Johnson has otherwise exercised due diligence in obtaining the transcript.

- 9) Appellant will be severely prejudiced if his appeal is dismissed because he has been adjudicated to be a sexually violent predator and committed into a treatment facility for an indeterminate period of time.

Attorney Johnson believes that the above circumstances constitute extraordinary and compelling reasons for this Motion to be granted. Based on the above, Appellant's attorney requests that the Court reconsider its dismissal and allow this case to be reopened so that Appellant can proceed with his appeal.

Respectfully Submitted,

s/Kindle K. Johnson

Kindle K. Johnson

S.C. Bar No. 72926

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November 27, 2024

ATTORNEY FOR APPELLANT

# EXHIBIT A



# EXHIBIT B

