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**Apr 03 2025**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Hampton County

Honorable Robert J. Bonds, Circuit Court Judge

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STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

TYRASE AKIL COLLINS,

APPELLANT.

APPELLATE CASE NO. 2024-001238

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MOTION TO HOLD IN ABEYANCE

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Counsel for Aaron Lamar Williams respectfully requests that this case be held in abeyance pending resolution of the errors found in the May 23, 2024 hearing transcript. In support of this request, counsel shows:

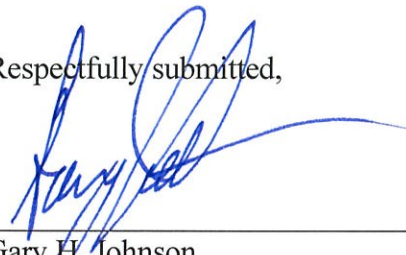
1. The initial brief of appellant is presently scheduled to be filed with this Court on April 9, 2025.
2. At this time, we are in possession of two versions of the transcript from the May 23, 2024, mitigation hearing. Although one version does appear to be more accurate and complete than the other, it nevertheless appears that speakers change without notation in both versions of the transcript.
3. On April 2, 2025, this office challenged the accuracy of the transcript of the May 23, 2024, hearing from court reporter Kymberlee Williams, with a request to review the discrepancies, as

evidenced by Exhibit A which is attached to this motion. Ms. Williams has contacted counsel and will review the tape and compare the two versions to produce an accurate transcript. According to Ms. Williams, this is not anticipated to be a long delay and should be resolved within thirty (30) days.

4. Counsel will notify this Court immediately upon receipt of the completed transcript.

WHEREFORE, the undersigned counsel respectfully requests that the time limits for filing the initial brief of appellant be held in abeyance pending receipt of this revised May 23, 2024, hearing transcript.

Respectfully submitted,



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Gary H. Johnson  
Appellate Defender  
Attorney for Appellant

April 3, 2025

# EXHIBIT

A

**From:** White, Della  
**Sent:** Wednesday, April 2, 2025 9:59 AM  
**To:** SC - WILLIAMS KYMBERLEE <kwilliams@sccourts.org>  
**Subject:** The State v. Tyrase Collins transcript

Good morning,

It appears that there is a Part 1 and Part 2 transcript for May 23, 2024. We also received a combined transcript of May 23, 2024, but they do not match. In the combined transcript speakers are not identified halfway through the transcript. Here is a breakdown from the attorney. Please call Mr. Gary Johnson if you have any questions. He said he would work through the transcript with you.

I am attaching what we received for you to reference.

Email from Mr. Johnson to me:

The problems center around two versions of the May 23, 2024 morning hearing regarding mitigation (there is an afternoon hearing on the same day, but that contains no important errors that I can see).

We actually have two versions of this morning hearing, with slight differences between the two. In the stand alone transcript designated as Transcript May 23, 2024 Hearing #1, on page 39 line 2 it correctly identifies that line "Alright, so let me ask you this." As the start of a question from the court. However, on the combined May 23 hearing (with both the morning and afternoon hearings together as a single transcript designated as simply Transcript May 23, 2024) those lines are simply continued as a part of the answer of the witness. See page 37, ll. 15 – 16. For reference, this combined transcript is noted below as (Combined).

This occurs again on page 42, l. 5 as the Transcript May 23, 2024 Hearing #1 shows the Court is speaking while the combined transcript designated as Transcript May 23, 2024 (Combined) at page 40, l. 15 shows the same wording as being a continuation of the witness' testimony. The transcript May 23, 2024 Hearing #1 then shows the witness responding starting on page 42, l. 16 while, again, the combined transcript shows a continuous monologue with no interruption. See Transcript May 23, 2024 (Combined) page 40, ll. 20 – 25.

On page 43 of the May 23, 2024 Hearing #1 at ll. 2, 5, 8, 14, 20, and 24, there are changes in speakers at each of those locations. However, on the Transcript May 23, 2024 (Combined) page 41, shows no similar changes in speakers – it reads as a continuous monologue of the witness.

It does appear that the May 23, 2024 Hearing #1 is more accurate version of the testimony than the combined transcript Transcript May 23, 2024 (Combined). While the May 23, 2024 Hearing #1 appears to be more accurate, there are still areas I believe speakers have changed not shown on the transcript.

The following only relate to pages from the May 23, 2024 Hearing #1 transcript.

Page 39, ll. 10 – 15 appear to be the last part of a question from the Court with the answer beginning at page 30, l. 15.

On page 44, ll. 15 – 16, I believe the question is “Do you feel that he is a good candidate for **rehabilitation** and not “your position.”

On page 44, ll. 17 – 19, the line is typed as “Based on all the factors that I've presented here today for *the four drugs*.” I do believe the response is about four drugs, but may be some reference to Aiken v. Byars.

On page 44, ll. 19 – 20 the typed line “Your Honor, I have nothing else to add, sir. I'll address the court later.” Appears to be a statement from one of the lawyers, likely Mr. Evans.

On page 44, ll. 22 – 24, the line appears to be the Court interjecting the next question re: Alcohol and Drugs:

“hold on. Let me ask one other thing before you do, if you don't mind. Alcohol and drugs. I haven't heard . . .” appears to be the Court speaking and not as typed with Mr. Johnson saying “Yes, sir. Your Honor, hold on. Let me ask one other thing before you do, if you don't mind.” Before the Court jumps in with the line “Alcohol and drugs.”

On page 46, the lines 15 - 22 appear to be new speakers and not the continued answer of the witness as typed.

Finally, there were 5 defense exhibits introduced. Defense Ex 2 was the report of the witness per page 22, ll. 8 – 9 (though it may also have been changed to Ex 1? Later on page 47, ll. 2 – 14), defense Ex 2 (sic see the report from page 22) and 3 were letters, and then two pictures as 4 and 5. The transcript index indicates no exhibits were filed.

Please feel free to call.  
Thank you for your help!

Della White  
SC Commission on Indigent Defense  
1330 Lady Street, Suite 401  
P.O. Box 11589  
Columbia, SC 29201  
Office: 803-734-1330

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STATE OF SOUTH CAROLINA,

RESPONDENT

V.

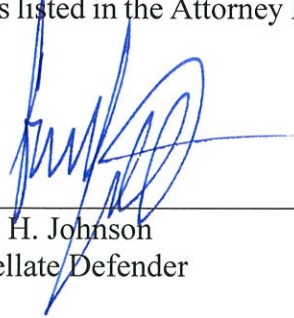
TYRASE AKIL COLLINS,

APPELLANT

APPELLATE CASE NO. 2024-001238  
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CERTIFICATE OF SERVICE  
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Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion to Hold in Abeyance in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 3rd day of April, 2025.

  
\_\_\_\_\_  
Gary H. Johnson  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589  
(803) 734-1330

ATTORNEY FOR PETITIONER

## Leverett, Scott

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**From:** Leverett, Scott  
**Sent:** Thursday, April 3, 2025 2:42 PM  
**To:** SC - BROWN MELODY  
**Cc:** SC - BROWN ANGELA; Johnson, Gary  
**Subject:** 2024-001238 - State v. Tyrase Akil Collins - Motion to hold in Abeyance  
**Attachments:** 2024-001238 - State v. Tyrase Akil Collins - Motion to hold in Abeyance.pdf

Dear Ms. Brown,

Attached please find a copy of the motion to hold the above referenced case in abeyance that is being filed today with the Court of Appeals.

-Scott Leverett  
Admin. Asst. for Gary Johnson  
Appellate Defense