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Apr 30 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Lexington County

Honorable Debra R. McCaslin, Circuit Court Judge

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THE STATE,

RESPONDENT,

v.

BRANDON LEE CORDER,

APPELLANT

APPELLATE CASE NO 2023-001543

---

**MOTION TO REMAND TO ATTEMPT RECONSTRUCTION  
AND TO PRESERVE AUDIO RECORDINGS AND RECORDS**

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Pursuant to Rule 240, SCACR, counsel for Appellant Brandon Lee Corder respectfully requests an order requiring the parties to reconstruct portions of the record from Appellant's trial held from February 27 to March 2, 2023.

Appellant was charged with murder and first tried from February 27 to March 2, 2023. That trial ended in a mistrial after the trial court granted appellant's motion for a mistrial due to multiple impermissible comments made in the solicitor's closing. Appellant was tried again from September 25 to 27, 2023. Prior to the second trial Appellant made a motion to dismiss based on double jeopardy, arguing the solicitor intentionally goaded him into requesting the mistrial. The trial court denied that motion, and he was ultimately convicted of murder and sentenced to forty-

five years in prison. For reasons that will be more fully explained below, it is necessary to obtain an complete and accurate transcript of the mistrial—in short, because of the goading and Double Jeopardy argument.

Due to substantial problems with the transcripts from the mistrial, counsel for appellant requested, with the Attorney General's consent, to hold the appeal in abeyance while Court Administration attempted to correct the record with the recordings it has available. This Court granted that motion by order dated October 21, 2024. Unfortunately, Court Administration's "revised transcript" is still insufficient for appellate review. Reconstruction is now necessary for four primary purposes.

First, approximately three hours of proceedings during the mistrial are missing where the court reporters changed on March 1, 2023. Originally, Stacy Johnson was the court reporter on March 1. (Exhibit A). However, on page 48 of the transcript, there is a note that "a recess [was] taken to switch out court reporters." From 11:28 AM to 2:37 PM that day, Bethanie Creppon reported the proceedings. However, those records do not appear in the transcript by Stacy Johnson. At 11:28, the parties and were discussing with the court evidence of Appellant's prior record and whether he would be entitled to an accident or involuntary manslaughter jury instruction. In the middle of that discussion Stacy Johnson left for three hours. The discussion continues in a separate document from Legal Eagle where Bethanie Creppon apparently continued to transcribe the proceedings. However, there are only eleven pages of transcript from Bethanie Creppon. (Exhibit B). That cannot represent the entire three hours in which she was the active court reporter. Counsel is confident there are at least some unreported proceedings from this time for two reasons: (1) at the end of this part of the transcript, Judge McCaslin stated it was "10 'til 12" and she would take a ten minute break before bringing the jury back in, yet the next record is from 2:37 and outside

the presence of the jury; and (2) at 2:37 there is a continued discussion about redacting part of State's Exhibit 43 which had never been mentioned before.

Additionally, the Court Reporter Manager for Court Administration, Tammie Holmes, has informed counsel Creppon has not responded to her attempts to determine what else is or may be missing. (Exhibit C). In her affidavit, Holmes states Creppon previously turned over an external hard drive "with what she stated [were] her records" but that "she **destroyed** all of her paper notes from the time."

Second, reconstruction is necessary because there are two official transcripts for March 2, 2023, the last day of the mistrial. (Exhibit D). One was produced by Lisa Amick, an official court reporter, and the other was produced by Legal Eagle. There is no reason to designate one over the other to be included in the Record on Appeal. Broadly speaking they do not differ in significant ways, but they do differ in small ones. It is unclear how to reference or quote proceedings from March 2.

Third, none of the exhibits from the mistrial were preserved by the court but rather were turned back over to the state, as indicated on the exhibit receipt and by email from the Deputy Clerk of General Sessions for Lexington County. (Exhibit E). Appellant is particularly interested in State's Exhibits 31, 32, and 43. These exhibits are recorded interviews or summaries of interviews where Appellant spoke with different law enforcement officials. Exhibits 31 and 43 are from his statements to Sergeant Anthony Adam Creech and were ultimately the basis for the trial court's decision to give an involuntary manslaughter instruction. They were not introduced at Appellant's later re-trial.

Fourth, the majority of this transcript is simply not in a satisfactory form to create a Record on Appeal that would satisfy the Court. Initially, the break in court reporters on March 1 means

creating a Record would by necessity be terribly and confusingly formatted. Either the conversation with the court would have to abruptly—and incompletely—end only to be resumed later in the Record, or there would have to be excerpts taken out or spliced in from the March 1 transcripts to create a cohesive record and narrative of the proceedings. Either option is extremely clunky and potentially very confusing to the Court on an initial read of the Record.

Additionally, the Legal Eagle transcript is simply replete with "inaudible" or "simultaneous speakers" notations, along with other errors. There are at least **751** "inaudible" and **203** "simultaneous speakers" notes. There are also numerous errors in reference to case names and different charges, along with excessive grammatical mistakes that are most likely the result of a bad transcription and cannot be reasonably explained by simply errors in speaking. Also, an "unidentified speaker" addresses the court at length on pages 192 to 199.

Lastly, the Legal Eagle transcript is not adequately formatted in accordance with the Court Reporter's manual. The index does not have page numbers for the *Jackson v. Denno* hearing, opening or closing statements, or the charge conference or jury charges. The headers on each page that should give some indication of what part of the proceedings are occurring usually say nothing more than "proceedings," even when there are witnesses testifying. *Not one* of the witnesses have headers identifying them or their examiner outside of the *Jackson v. Denno* hearing. Otherwise, the entire transcript from opening statements to granting the mistrial is headed merely "proceedings." This is plainly insufficient and makes counsels' and the Court's job more difficult.

While ordinarily the transcript of a mistrial and its exhibits would be unimportant for appellate review, it matters here because for Appellant to challenge the trial court's double jeopardy ruling, he must know the court's other rulings, the state's positions, and the evidence admitted in order to demonstrate he was goaded into the mistrial. The missing and incomplete portions of the

record from March 1 are therefore important for Appellant's appeal. The record is not clear what led up to and followed the trial court's rulings, and reconstruction is necessary to attempt to fill in the gaps, find State's Exhibit 31, and confirm which transcript represents the proceedings of March 1 and whether those proceedings were entirely recorded.

When the transcript of proceedings below is missing or incomplete, appellate courts have authority to remand the case for the parties and trial court to reconstruct the record. *Whitehead v. State*, 352 S.C. 215, 221, 574 S.E.2d 200, 203 (2002); *Koon v. State*, 358 S.C. 359, 367, 595 S.E.2d 456, 460 (2004), *overruled on other grounds by State v. Gentry*, 363 S.C. 93, 610 S.E.2d 494 (2005). The trial court then has the authority "to set the record for appeal." *State v. Ladson*, 373 S.C. 320, 324, 644 S.E.2d 271, 273 (Ct. App. 2007) (citing *China v. Parrott*, 251 S.C. 329, 334, 162 S.E.2d 276, 278 (1968)).

In summary, the transcript in this case is entirely unsuitable for appellate review. It is missing material and disorganized. There are unsatisfactory errors in transcription and formatting, and most glaringly there are two transcripts of the same day. It is simply not feasible to create a proper Record on Appeal with this transcript, and it is necessary to remand the case so the trial court can order a record suitable for appellate review.

WHEREFORE, Counsel respectfully requests:

1. The Court order the case be remanded for the purpose reconstructing the record.
2. The Court hold appellant's appeal in abeyance.
3. The Court order Court Administration to preserve all records and audio recordings from this case.

Respectfully submitted,



Jordan M. Wayburn  
Appellate Defender

ATTORNEY FOR APPELLANT

# **EXHIBIT A**

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State of South Carolina	)	Court of General Sessions
County of Lexington	)	Eleventh Judicial Circuit
State of South Carolina,	)	Transcript of Record
vs.	)	2020-GS-32-01854
Brandon Lee Corder,	)	
Defendant.	)	

March 1, 2023  
 Lexington, South Carolina

**B E F O R E:**  
 The Honorable Debra R. McCaslin, Judge, and a Jury

**A P P E A R A N C E S:**  
 Sutania A. Fuller, Senior Assistant Solicitor  
 Robert L. McNair, III, Senior Assistant Solicitor  
 On behalf of the State of South Carolina

Benjamin A. Stitely, Esquire  
 Anna Williams Yonge, Esquire  
 On behalf of the Defendant

Stacy S. Johnson, RPR  
 Circuit Court Reporter

1 like to read this case law.

2 MS. FULLER: Okay.

3 THE WITNESS: Your Honor, may I go to the restroom?

4 (Pause in proceedings.)

5 THE COURT: All right. I don't believe the Wharton  
6 case -- where did she go?

7 MR. STITLEY: That's good for us.

8 THE COURT: -- applies.

9 MS. FULLER: I apologize, Your Honor.

10 (Whereupon, a recess taken to switch out court  
11 reporters.)

12 (The proceedings, if any, from 11:28 AM to 2:37 PM  
13 were reported by Bethanie Creppon.)

14 (The following proceedings were reported by Stacy  
15 Johnson.)

16 (Back on the record at 2:37 PM.)

17 THE COURT: You tell us when you're ready.

18 THE COURT REPORTER: I think I'm ready.

19 THE COURT: Okay. Ms. Fuller?

20 MS. FULLER: Yes, Your Honor. Thank you.

21 Just briefly, on State's 43, I'm just requesting to  
22 substitute the redacted audio and to have the sentence  
23 that should have been redacted stricken from the record.  
24 I don't want to make a big deal of it to the jury. I  
25 just don't want that sentence to go --

# **EXHIBIT B**

1 STATE OF SOUTH CAROLINA ) IN THE CIRCUIT COURT 11  
2 COUNTY OF LEXINGTON ) DOCKET NOS. 2020-GS-32-1854  
3 2020-GS-32-1857

4 STATE OF SOUTH CAROLINA, )  
5 Plaintiff, )  
6 versus )  
7 )  
8 BRANDON LEE CORDER, )  
9 Defendant. )

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11

12

13 H E A R I N G

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PRESENT: Brandon Lee Corder  
DATE: February 27-28 and March 1-2, 2023  
LOCATION: South Carolina Circuit Court 11  
JUDGE: Debra McCaslin  
TRANSCRIBED BY: Jeanne Meldrim

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STATE'S EXHIBITS

Number	Description	Marked	Entered
1	Recording		242
2	Recording		244
5	Photograph		267
3, 4, 6	Photographs		281
7	Photograph		301
29	Photograph		309
33	Interview		320
30	Document		322
34	Photograph		324
15-27	Photographs and diagram		364
35	Photo		369
36, 38	Evidence		371
39	Diagram		406

CONCLUSION OF DAY'S PROCEEDINGS

Date	Page
2-27-23	177
2-28-23	387
3-1-23	398
3-2-23	489

(THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

Proceedings

1 MS. FULLER: Of course, Your Honor.

2 THE COURT: Something that needs to be redacted even  
3 if you're not offering that. I don't know if you are or  
4 not. But if you do, give him a heads up.

5 MS. FULLER: I (unintelligible) he's testifying.  
6 But ---

7 THE COURT: All right. I gotcha.

8 MS. FULLER: But we can cross that bridge when we  
9 get there.

10 THE COURT: We'll cross that bridge when we get  
11 there. We're not going to second guess what testimony  
12 is. Okay. All right. I hope everybody has a good  
13 evening, let's be here and ready to go at 9:30.

14 (END 2-28-23)

15 (BEGIN 3-1-23)

16 (Continuation of the Proceedings)

17 THE COURT: All right. I don't believe the Morton  
18 case applies. But I'm reading the brief to the case.  
19 Have you read it?

20 MR. STITELY: Yes, Judge. And there's a --- several  
21 distinctions as well.

22 THE COURT: (Unintelligible) talk about ---

23 MR. STITELY: Fighting over the gun. They talk  
24 about ---

25 THE COURT: His intoxication?

Proceedings

1           MR. STITELY: And that's actually, if you read,  
2           that's (unintelligible) the statute. We actually have  
3           a --- well (unintelligible) once again, misdemeanor  
4           felony. We have a charge in South Carolina for  
5           possessing a firearm or holding a firearm while  
6           intoxicated. It is 23-31-400. Which specifically says:  
7           It is unlawful person who is under the influence of  
8           alcohol or a controlled substance to use a firearm in the  
9           state.

10           They don't use the statute in the case, but they  
11           specifically say he admitting to being under the  
12           influence while he was using a firearm which they were  
13           wrestling over, which is a completely different scenario.

14           And that's, if you read earlier in the case, they're  
15           talking about how wrestling over it creates a problem  
16           when you're dealing with the self-defense element. So  
17           I --- I would not --- and here the honest truth, Judge, I  
18           think if she wanted to stop a involuntary manslaughter  
19           charge, she opened that door when she put Creech's tape  
20           in. Because now we have a in-the-record argument of an  
21           accident while doing something which inherently is not a  
22           proximate cause of murder in holstering a firearm.

23           If she didn't want us to go down that road, I think  
24           she should have put Creech's tape in. And now it's in  
25           the jury's verdict, I think we're going to be entitled to

Proceedings

1 the charge.

2 THE COURT: So you think the accident charge?

3 MR. STITELY: No. No. Involuntary manslaughter  
4 that --- I --- I still think I --- I still --- no --- I  
5 still didn't have a problem with accident as a lawful  
6 affirmative sense. But I (unintelligible) but the  
7 evidence that she just put in.

8 THE COURT: I mean, I think it's clear that  
9 brief --- case talks about self-defense. No doubt about  
10 it. But it doesn't say that is the only time that it is  
11 allowed. I think it's --- it sets case law clear for  
12 preclude to self-defense.

13 But, you know, it's --- it goes on to say that  
14 the --- (unintelligible) question that this issue is  
15 whether Bruton illegal possession. Proximately caused  
16 the death. And in this case, they determined that it  
17 did. And then they layout all these other reasons why.  
18 He was drunk, he wasn't supposed to have a gun.

19 And --- and it's --- it's not clear that it's the  
20 possession of the gun that he had been convicted of is  
21 the only reason they did it. Because they outlined all  
22 these other things, the five and a half pounds of trigger  
23 pressure. And that he had been on illegal drugs and was  
24 intoxicated at the time. They added all this other stuff  
25 in.

Proceedings

1 MS. FULLER: So I guess, Your Honor, was  
2 (unintelligible) is where I am (unintelligible) going  
3 with the case. And I need this in the record for what's  
4 coming with my next (unintelligible) to build upon my  
5 argument against involuntary.

6 And obviously the Court's not going to rule on  
7 what's to come, but I guess just foreshadow what we build  
8 up to get you to Burton.

9 THE COURT: The way you're trying to do is ---

10 MS. FULLER: Because the issue ---

11 (Simultaneous speaking)

12 THE COURT: --- have a gun and in whatever ---

13 MS. FULLER: All my other factors ---

14 (Simultaneous speaking)

15 THE COURT: I don't know what your other factors  
16 are, but ---

17 MS. FULLER: So in the issue is with  
18 (unintelligible) is that --- what that --- that little  
19 thing was not in the record. And so, I mean, we can do  
20 if there's other ways to do it I guess. Taking judicial  
21 notice. I don't want to put the Court in that position.

22 I think I can easily maybe later call the clerk up  
23 and swear that there's these two convictions. But he  
24 would be allowed to testify that he's familiar with the  
25 statute and unlawful possession.

Proceedings

1           Because like the case law says, he does not need to  
2 be charged with --- he doesn't need to be charged with  
3 pointing and presenting or intoxication, or being high  
4 with it (unintelligible) the trigger, the analysis.

5           So I don't need an indictment for pointing and  
6 presenting. I don't need an indictment for intoxication.  
7 But I would --- I would venture out to say our court is  
8 not going to say that you can violate several laws in the  
9 State of South Carolina.

10          So I get what he's saying about, you know, his  
11 convictions don't trigger State statute. Obviously the  
12 conviction in DB 3rd, he is --- his prohibition ended two  
13 months prior to the murder.

14          THE COURT: Well, I think he can see that he was  
15 unlawfully handling it.

16          MS. FULLER: No. No. I'm --- I'm talking strictly  
17 about the --- I don't know if he concedes that. Because  
18 if he concedes that, then --- if he can't concede  
19 unlawfully handling it.

20                                 (Simultaneous speaking)

21          THE COURT: --- argument is --- is that if you  
22 proximately cause the natural death of the decedent ---

23          MR. STITELY: Under her theory then, if I'm  
24 prohibited from owning a firearm, there's a firearm in my  
25 house, I punch a dude, he dies. I can't argue

Proceedings

1 involuntary manslaughter because I had a gun back at my  
2 house. That's --- that's a flat out further  
3 extrapolation of her argument.

4 (Simultaneous speaking)

5 MR. STITELY: But because I have ---

6 THE COURT: --- he's never --- nobody would ever be  
7 entitled to the self-defense.

8 MR. STITELY: Ever.

9 MS. FULLER: That's different.

10 THE COURT: Ever. So I --- I think what he's  
11 arguing is that he knows it's unlawful (unintelligible)  
12 to have a gun, but it didn't lead to the proximate  
13 natural cause of his action to be dead.

14 Because it's not --- how would you ever --- ever  
15 bring up self-defense in the Bruton case if it was un ---  
16 he was wasn't supposed to have a gun period.

17 MS. FULLER: No. No. That's --- that's --- that's  
18 settled. Like in terms of self-defense, that's literally  
19 where the Court has carved out unless you're arming to  
20 defend yourself, if we can't argue that, that's  
21 (unintelligible) ground, that's --- that's well settled.  
22 I'm not arguing that.

23 But in this case he's not arguing self-defense.  
24 There's --- there's a simple analysis if --- if he's  
25 arguing self-defense, I can't say, well, he was in

Proceedings

1 illegal possession.

2 THE COURT: I got --- but I don't think Bruton also  
3 says that this is the only time.

4 MR. STITELY: And --- and Judge, as far as the other  
5 thing, she's held three witnesses up during pre-trial to  
6 say he was not under the influence. He was clear. He  
7 was understanding, he was able to give his Miranda or  
8 whatever. And she actually pulled three people up to say  
9 that he had no impairment.

10 MS. FULLER: I didn't argue ---

11 (Simultaneous speaking)

12 THE COURT: Okay. Well let's talk about how she  
13 wants to put in --- I understand his record. I also  
14 don't want to prejudice the defendant. He has a right to  
15 take the stand, or not to take the stand.

16 MR. STITELY: The only things that Judge would be, I  
17 guess arguing even if you ---

18 (Simultaneous speaking)

19 THE COURT: I'm not inclined to --- to ---

20 MR. STITELY: --- (unintelligible) and at 2018 DB or  
21 in DB 3rd --- misdemeanor level.

22 THE COURT: Yeah, I'm not inclined to put something  
23 into the record when he hasn't testified about it. I  
24 think that's prejudicial to him.

25 Can we not take judicial notice of his record if

Proceedings

1 that's what you want to argue?

2 MS. FULLER: (Unintelligible).

3 THE COURT: I just don't know that he's going to  
4 testify or not.

5 MS. FULLER: I mean, if the Court is going to take  
6 judicial notice that his record prohibits him Federally  
7 from possessing a firearm. Then I don't need to go  
8 through proving it. It is a matter of public record, it  
9 will be hearsay exception anyway for anyone to get up and  
10 say, I --- I've made a Court exhibit of the DB 3rd,  
11 certified conviction, which would trigger it.

12 And so if the Court takes judicial notice that there  
13 is a Federal statute that prohibits anyone convicted of a  
14 domestic violence in this country, and/or of a crime  
15 punishable by more than a year from being in possession  
16 of a firearm, purchasing a firearm, selling a firearm.

17 And so if that's what we're going to do, that's  
18 fine. But what's --- what's --- the testimony that's  
19 coming --- coming is going to --- going to go to the  
20 (unintelligible). Definitely that's something that go to  
21 he admitting to pulling the hammer back and pointing the  
22 gun at her. I'm building up to get there, but the  
23 analysis needs to be unlawful activity coupled together  
24 with this. The Court does give you the --- Court in  
25 Burton begin outlines that.

Proceedings

1 I'm not arguing the cop case. I don't know where  
2 that came from. But in terms of the illegal position  
3 being proximate cause in --- in --- in this case, it is.  
4 He admitted that his holster story was a lie. And  
5 I'm ---

6 (Simultaneous speaking)

7 THE COURT: We haven't gotten there yet.

8 MS. FULLER: We haven't gotten there yet.

9 THE COURT: I haven't gotten ---

10 MS. FULLER: Right.

11 THE COURT: --- there yet.

12 MS. FULLER: We haven't gotten there yet.

13 THE COURT: You've given me all this testimony that  
14 I had not heard yet.

15 MS. FULLER: I know, but ---

16 THE COURT: It's --- its's impossible for me to rule  
17 on this.

18 MS. FULLER: Right. And, Your Honor, I'm not ---  
19 that's why I wasn't asking to rule on it. But I need to  
20 put this in the record, or I have to recall him to put in  
21 the record, or call the clerk in terms of flow of this  
22 case ---

23 THE COURT: Okay.

24 MS. FULLER: --- once that is in. But I can't ask  
25 that person if he's familiar with his record. He is. So

Proceedings

1 I can have him explain it. But I can recall Creech after  
2 I put that testimony in. I can just recall him, Judge.

3 MR. STITELY: It's still irrelevant unless he's  
4 testifying to put in his prior record. Judge, she's  
5 still reading 922(g) wrong as well as the 2019 changes in  
6 the Supreme Court, but we --- if we need to argue that  
7 one out, that's --- I --- I sent your clerk a copy of the  
8 Supreme Court's new opinion, that you have to have an  
9 affirmative --- yeah.

10 (Simultaneous speaking)

11 MR. STITELY: Sorry. Anyway, but --- and actually,  
12 I can pull the actual case and show you, but there's a  
13 fourth additional element that says you have to have  
14 actual notice.

15 MS. FULLER: Of your status?

16 MR. STITELY: Correct. So ---

17 MS. FULLER: (Unintelligible) guilty  
18 (unintelligible).

19 MR. STITELY: That's not enough. They said you have  
20 to have notice that ---

21 (Simultaneous speaking)

22 MR. STITELY: --- it creates a 922(g) provision that  
23 you sign. Anyway ---

24 (Simultaneous speaking)

25 MR. STITELY: --- all that's aside. And here, I

Proceedings

1 guess we're arguing pretend the evidence comes in that a  
2 5th story, a 7th story, a 24th story comes out that  
3 changes it, the testimony ---

4 (Simultaneous speaking)

5 THE COURT: Well ---

6 MR. STITELY: --- that's now in the record ---

7 THE COURT: --- story to the jury ---

8 MR. STITELY: Sure.

9 THE COURT: --- is their duty to decide what they're  
10 going to believe.

11 MR. STITELY: You're absolutely right. And she just  
12 put in a story ---

13 (Simultaneous speaking)

14 MR. STITELY: Excuse me.

15 REPORTER: I can only take one person talking at a  
16 time.

17 (Simultaneous speaking)

18 MR. STITELY: She just put in a story that fits the  
19 fact pattern for involuntary manslaughter. It will be a  
20 jury question then ---

21 (Simultaneous speaking)

22 THE COURT: Let me --- let me talk to the lawyers  
23 just for a second.

24 (Bench conference)

25 THE COURT: Okay. Back on the record. After

Proceedings

1 talking with the lawyers, I'm not inclined to let  
2 Sergeant Creech testify about the defendant's criminal  
3 history.

4 I understand where the State's coming from. I  
5 certainly understand the defendant's argument. I think  
6 the better choice is to --- if we need the record, we  
7 will confirm it through the clerk's office, through  
8 certified copies of his record, and --- and this is just  
9 if need be. But I'm certainly not going to allow it in  
10 now. I think it is prejudicial and somewhat shifts the  
11 burden.

12 So we're going to listen to --- I know that the  
13 testimony they tell me is going to be --- I think he's  
14 told three or four different stories. I'll allow the  
15 stories in the record. And then we'll decide on jury  
16 charges.

17 And then if we need his record in the record, we'll  
18 put in through the clerk of the court's office. Okay?

19 All right. I will take a break. It's 10 till 12.  
20 I need a break. Can y'all just give me about ten  
21 minutes, then we'll bring the jury back in.

22 (Off the record)

23 (3-2-23 Continuation of Proceedings - SEGMENT A)

24 THE COURT: Good morning. The jury ready.

25 FOREMAN: Yes, ma'am.

# EXHIBIT C

STATE OF SOUTH CAROLINA

IN THE SOUTH CAROLINA COURT OF APPEALS

COUNTY OF LEXINGTON

THE STATE,

Respondent,

v.

BRANDON LEE CORDER,

Appellant.

AFFIDAVIT

PERSONALLY appeared before me, Tammie Holmes, who being duly sworn, says:

1. I am the Court Report Manager for Court Administration of the South Carolina Judicial Branch.

2. Bethanie Creppon was a court reporter until June 30, 2023 when she resigned her position as a court reporter for the State of South Carolina. At that time, she gave Court Administration an external hard drive with what she stated was her records. She also informed me that she destroyed all of her paper notes from that time.

3. Bethanie Creppon has been nonresponsive to almost all attempts at communication after she left employment.

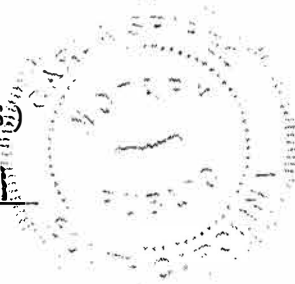
4. I have personally searched Court Administration records and databases for any audio recordings or other records related to Brandon Corder's trial in February and March of 2023. At this time, all audio records in Court Administration's possession have been transcribed.

*Tammie Holmes*  
Tammie Holmes

SWORN TO before me this 29  
day of April, 2025.

*Carla Spivey* (L.S.)  
Notary Public for South Carolina

My Commission Expires: 5/14/31



# **EXHIBIT D**



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1 STATE OF SOUTH CAROLINA ) IN THE CIRCUIT COURT 11  
2 COUNTY OF LEXINGTON ) DOCKET NOS. 2020-GS-32-1854  
3 2020-GS-32-1857

4 STATE OF SOUTH CAROLINA, )  
5 Plaintiff, )  
6 versus )  
7 )  
8 BRANDON LEE CORDER, )  
9 Defendant. )  
10 \_\_\_\_\_  
11  
12

13 H E A R I N G  
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16

17 PRESENT: Brandon Lee Corder  
18 DATE: February 27, 28 and March 2, 2023  
19 LOCATION: South Carolina Circuit Court 11  
20 JUDGE: Debra McCaslin  
21 TRANSCRIBED BY: Jeanne Meldrim

22 LEGAL EAGLE  
23 Post Office Box 5682  
24 Greenville, South Carolina 29606  
25 864-467-1373  
depos@legaleagleinc.com

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APPEARANCES:

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Attorney for the Defendant

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Attorney for the Defendant

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EXAMINATIONS

Witness	Direct	Cross	Redirect	Re-cross	Further
Geitz	55	61			
Sherban	66	71			
Gain	76	79			
Creech	82	96			
Booth	125	128	131		
Beeler	136	151	155		
Gunter	237	246	253	259	
Bowerman	261	269	272		
B Dowd	273	285	288		
E. Dowd	289	292			
Gietz	295	309	312		
Sherban	313	324			
Snelgrove	347	375	379		
Presnell	399	402	416	422	423
*Cromer					
*Wine					

\*Witnesses Cromer and Wine not in audio but were mentioned in closing.

EXHIBITS

COURT'S EXHIBITS

Number	Description	Marked	Entered
1	Recording	54	54
2	Document	141	
3	Document	141	
4	Document	180	
6	Document	231	

1  
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STATE'S EXHIBITS

Number	Description	Marked	Entered
1	Recording		242
2	Recording		244
5	Photograph		267
3,4,6	Photographs		281
7	Photograph		301
29	Photograph		309
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36,38	Evidence		371
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CONCLUSION OF DAY'S PROCEEDINGS

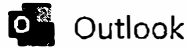
Date	Page
2-27-23	177
2-28-23	387
3-02-23	489

(THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

Proceedings

1 MS. FULLER: Of course, Your Honor.  
2 THE COURT: Something that needs to be redacted even  
3 if you're not offering that. I don't know if you are or  
4 not. But if you do, give him a heads up.  
5 MS. FULLER: I (unintelligible) he's testifying.  
6 But ---  
7 THE COURT: All right. I gotcha.  
8 MS. FULLER: But we can cross that bridge when we  
9 get there.  
10 THE COURT: We'll cross that bridge when we get  
11 there. We're not going to second guess what testimony  
12 is. Okay. All right. I hope everybody has a good  
13 evening, let's be here and ready to go at 9:30.  
14 (END 2-28-23)  
15 (BEGIN 3-2-23)  
16 (BEGIN AUDIO SEGMENT A).  
17 THE COURT: All right. I don't believe the Morton  
18 case applies. But I'm reading the brief to the case.  
19 Have you read it?  
20 MR. STITELY: Yes, Judge. And there's a --- several  
21 distinctions as well.  
22 THE COURT: (Unintelligible) talk about ---  
23 MR. STITELY: Fighting over the gun. They talk  
24 about ---  
25 THE COURT: His intoxication?

# **EXHIBIT E**



---

**[External] Fw: Brandon Corder**

---

From Myra Dyer <mdyer@lexingtoncounty.sc.gov>

Date Wed 10/2/2024 10:07 AM

To Flynn, Sean <sflynn@sccid.sc.gov>

 1 attachment (96 KB)

SKM\_360i24100209020.pdf;

Hey I this was a mistrial so the evidence was turned back over to the state.

Myra Dyer

Deputy Clerk of General Sessions

**Office:** 803-785-8553

**Email:** [mdyer@lexingtoncounty.sc.gov](mailto:mdyer@lexingtoncounty.sc.gov)

**Please note the new Email address**

---

**From:** mdyer@lexingtoncounty.sc.gov <mdyer@lexingtoncounty.sc.gov>

**Sent:** Wednesday, October 2, 2024 10:02 AM

**To:** Myra Dyer <mdyer@lexingtoncounty.sc.gov>

**Subject:** Message from KM\_360i

Scanned from a Pollock Company device

COUNTY OF LEXINGTON

CLERK OF COURT

IN THE COMMON PLEAS / GENERAL SESSIONS / FAMILY COURT

CASE NO. 20 Gg 32 1854, 1857

JUDGE McCaslin

CT. REP. Lisa Amick DATE 3/2/23

CLOCK - IN AREA

(NOTES)

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_

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\_\_\_\_\_

PLAINTIFF State

VS.

DEFENDANT Brandon L. Corder

Atty. \_\_\_\_\_

Atty. \_\_\_\_\_

NO.	ID.	EV.	DESCRIPTION	NO.	ID.	EV.	DESCRIPTION
			Ex. 34-38				
			released to: <u>ez</u>				
			(S. Black)				
			Ex: 1-33 & 39-44				
			released to: <u>[Signature]</u>				
			(Sustained Fall 01)				

CT. REP Lisa G. Amick

REC. BY [Signature]

VERIFIED \_\_\_\_\_

TITLE \_\_\_\_\_

TITLE \_\_\_\_\_

WHITE: COURT RECORDS \* YELLOW: EVIDENCE VAULT \* PINK: FILE

mistrial - evidence turned back over to State

RECEIVED

Apr 30 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Lexington County

Honorable Debra R. McCaslin, Circuit Court Judge

---

THE STATE,

RESPONDENT,

v.

BRANDON LEE CORDER,

APPELLANT

APPELLATE CASE NO 2023-001543

---

CERTIFICATE OF SERVICE

---

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion to Attempt Reconstruction in the above-referenced case have been served upon Melody J. Brown, Esquire at the primary e-mail address listed in the Attorney Information System (AIS), this 4th day of October, 2024.



Jordan M. Wayburn  
Appellate Defender

ATTORNEY FOR APPELLANT

## Warren, Kaylynn

---

**From:** Warren, Kaylynn  
**Sent:** Wednesday, April 30, 2025 2:29 PM  
**To:** Melody Brown  
**Cc:** Wayburn, Jordan; 'abennett@scag.gov'  
**Subject:** 2023-001543 The State v. Brandon Lee Corder  
**Attachments:** 2023-001543 The State v. Brandon Lee Corder Motion to Attempt Reconstruction.pdf

Good Afternoon,

Attached for service in the above-referenced case is the Motion to Attempt Reconstruction which will be filed today, April 30, 2025, with the Court of Appeals via email filing.

Respectfully,

Kaylynn

**Kaylynn Warren**

Administrative Assistant

South Carolina Commission on Indigent Defense

Division of Appellate Defense

(803) 734-1330