

**Ballard
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July 16, 2013

Via US Mail

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

Re: Appeal Related to *State of South Carolina v. Joe Ross Worley*
Appellate Case No. 2012-210646

Dear Ms. Kitchings:

We sent an update to the Court on July 12, 2013, regarding the status of the remand for reconstruction of the missing portions of the transcript. This morning we received the attached communication from Judge Keesley regarding his progress in attempting to reconstruct the missing testimony, so I wanted to provide you with an update.

We will continue to keep you informed as matters develop, or at 30-day intervals as you prefer. With warm personal regards, I am,

Sincerely yours,

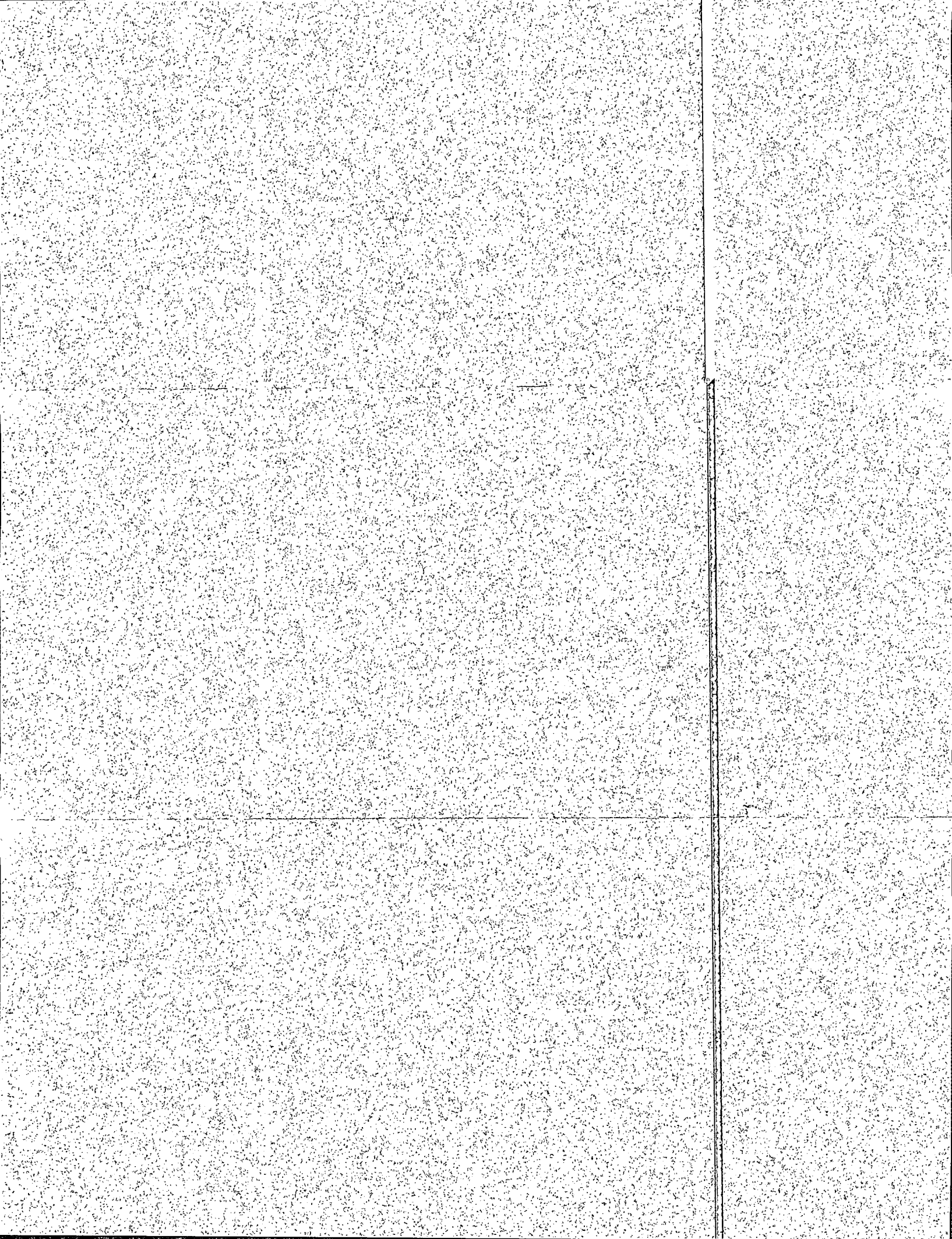
Desa Ballard
desab@desaballard.com

cc: Honorable William Paul Keesley
Honorable Frank R. Addy, Jr.
Mark R. Farthing, Esquire
Carson Henderson, Esquire (via email only)
Billy Garrett, Esquire (via email only)
Mary Worley

RECEIVED

JUL 18 2013

SC Court of Appeals



Desa Ballard

From: Keesley, William P. <WKeesleyj@sccourts.org>
Sent: Tuesday, July 16, 2013 11:05 AM
To: Desa Ballard; Keesley, William P. Law Clerk (Justin Calliham); Malory Hogg; Ervin Maye; tgarrettlaw@hotmail.com; mfarthing@scag.gov; Myers, Donald V.; hankfrank51@gmail.com; Kitchings, Jenny; Chiles, Gwendolyn D.; Shorter, Buffey
Cc: Harvey; Terrie Stafford; carson@carsonhendersonlawfirm.com; garrettlawgwd@earthlink.net; Terrie Stafford; Terrie Stafford; SColeman@lex-co.com; Harrison, Geri-Lynn; Terrie Stafford
Subject: RE: State vs. Worley

I did not have the McCormick Clerk's email address in the previous string. I am re-sending the email. Thank you.

From: Desa Ballard [mailto:desab@desaballard.com]
Sent: Tuesday, July 16, 2013 11:02 AM
To: Keesley, William P.; Keesley, William P. Law Clerk (Justin Calliham); Malory Hogg; Ervin Maye; tgarrettlaw@hotmail.com; mfarthing@scag.gov; Myers, Donald V.; hankfrank51@gmail.com; Kitchings, Jenny
Cc: Harvey; Terrie Stafford; carson@carsonhendersonlawfirm.com; garrettlawgwd@earthlink.net; Terrie Stafford; Terrie Stafford; SColeman@lex-co.com; Harrison, Geri-Lynn; Terrie Stafford
Subject: RE: State vs. Worley

Thank you for the update. I will notify the Court of Appeals of our status.

Upon receipt of the Clerk's typed notes, we will review what we have and notify you what witness(es) full or partial testimony we believe is missing, in addition to Mr. Worley's.

db

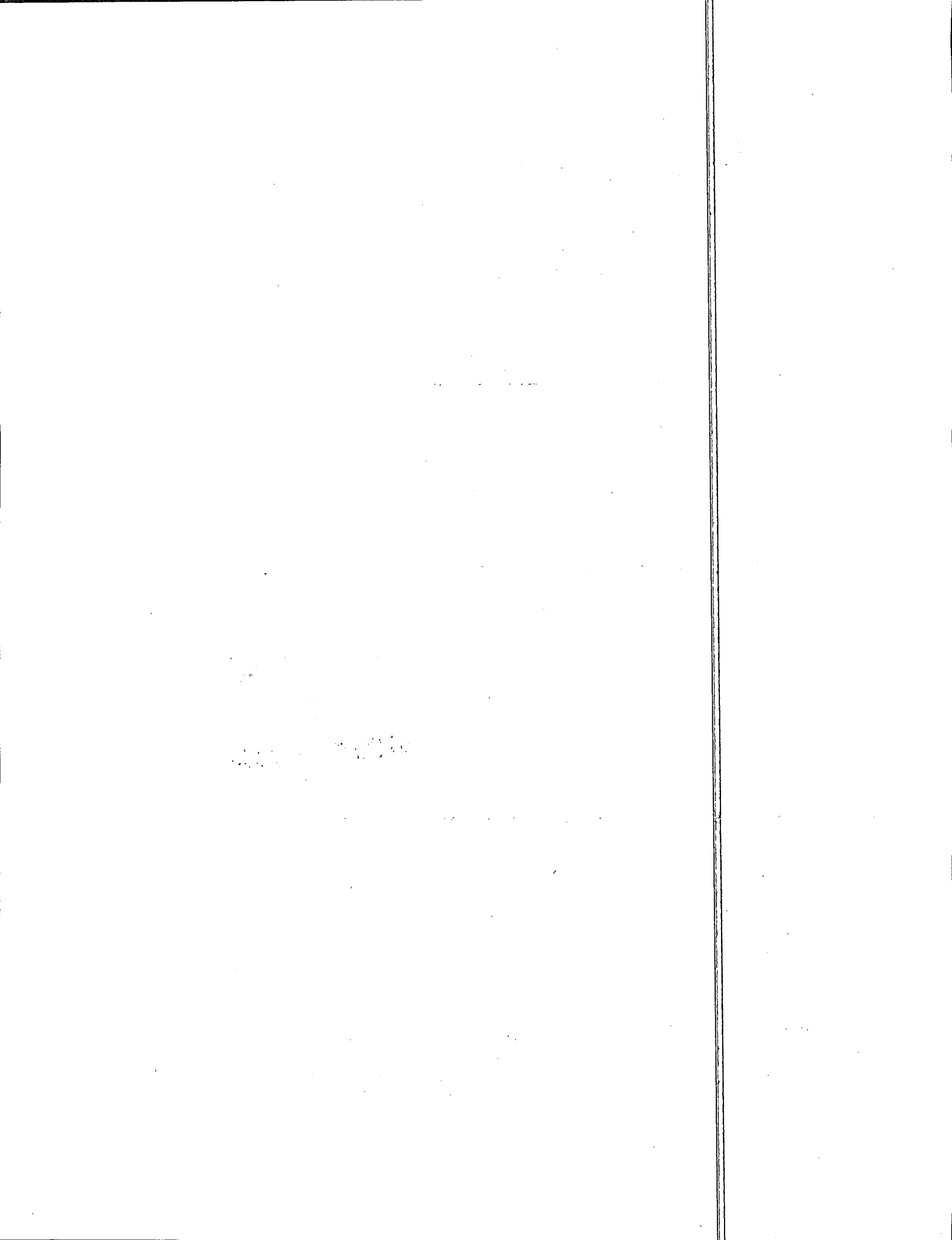
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RECEIVED
JUL 18 2013
SC Court of Appeals

From: Keesley, William P. [mailto:WKeesleyj@sccourts.org]
Sent: Tuesday, July 16, 2013 10:55 AM
To: Desa Ballard; Keesley, William P. Law Clerk (Justin Calliham); Malory Hogg; Ervin Maye; tgarrettlaw@hotmail.com; mfarthing@scag.gov; Myers, Donald V.; hankfrank51@gmail.com; Kitchings, Jenny
Cc: Harvey; Terrie Stafford; carson@carsonhendersonlawfirm.com; garrettlawgwd@earthlink.net; Terrie Stafford; Terrie Stafford; Coleman, Sheri (SColeman@lex-co.com); Harrison, Geri-Lynn
Subject: RE: State vs. Worley

I have several matters to report to the attorneys and the Clerk of Court, and requests for action.

- 1) The McCormick Clerk of Court located her notes and typed them out so that they would be more legible. I am instructing her to file a copy of her original notes and her typed version, and forward clocked-in copies to all the attorneys. After those are received, I need for the attorneys to compare the partial transcript with the list of witnesses and the order in which they were called reflected in the Clerk's notes. This would be to make sure that we know which witness' (witnesses') testimony is missing.



- 2) The McCormick Clerk of Court has received a request from the A.G.'s office for certain documents. She is concerned that she may have difficulty correctly identify what is being requested, primarily because the file is so thick and she is short staffed. Would you please let me know exactly what you are requesting or send someone to McCormick to review the file yourself?
- 3) Assistant Solicitor Maye has notes from the hearing. If those have not been filed and distributed, please do so immediately.
- 4) I am unclear if Assistant Solicitor Young has located his notes. If so, and if he has returned to work from his surgery, please file a copy and have them distributed.
- 5) My secretary is going through my office to try to locate anything I may have from the hearing. I will update you on those matters as soon as possible. As I have already stated, the order provides a fairly detailed synopsis of the notes that I took.

Thank you.

[wpk]

From: Desa Ballard [<mailto:desab@desaballard.com>]

Sent: Wednesday, June 19, 2013 3:01 PM

To: Keesley, William P. Law Clerk (Justin Calliham); Malory Hogg; Ervin Maye; Keesley, William P.; tgarrettlaw@hotmail.com; mfarthing@scaq.gov; Myers, Donald V.

Cc: Harvey; Terrie Stafford; carson@carsonhendersonlawfirm.com; garrettlawgwd@earthlink.net; Terrie Stafford; Terrie Stafford

Subject: RE: State vs. Worley

Judge Keesley asked about records maintained by the clerk of court during Friday's hearing. Attached is an excerpt from the official Clerk of Court manual from Court Administration, with highlighted sections. Also see S.C. Code Ann. Section 14-17-510, 540(2) and 570.

Desa Ballard

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From: Keesley, William P. Law Clerk (Justin Calliham) [<mailto:wkeesleylc@sccourts.org>]

Sent: Tuesday, June 11, 2013 4:14 PM

To: Desa Ballard; Malory Hogg; Ervin Maye; Keesley, William P.; carsonhenderson2@hotmail.com; tgarrettlaw@hotmail.com; mfarthing@scaq.gov; GHarrison@lex-co.com; Myers, Donald V.

Cc: Harvey; Terrie Stafford; carson@carsonhendersonlawfirm.com; garrettlawgwd@earthlink.net; Terrie Stafford

Subject: RE: State vs. Worley

The Worley Hearing will be held at the Edgefield County Courthouse this Friday, June 14th, beginning at 10:00am. I will coordinate the transfer of Mr. Worley to Edgefield for the hearing.

From: Desa Ballard [<mailto:desab@desaballard.com>]

Sent: Monday, June 10, 2013 11:18 AM

To: Keesley, William P. Law Clerk (Justin Calliham); Malory Hogg; Ervin Maye; Keesley, William P.; carsonhenderson2@hotmail.com; tgarrettlaw@hotmail.com; mfarthing@scaq.gov; GHarrison@lex-co.com; Myers, Donald V.

Cc: Harvey; Terrie Stafford; carson@carsonhendersonlawfirm.com; garrettlawgwd@earthlink.net; Terrie Stafford

Subject: RE: State vs. Worley

Thank you.

