

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Williamsburg County
Honorable William Jeffrey Young, Circuit Court Judge

Appellate Case No. 2013-000700

STATE OF SOUTH CAROLINA,

Respondent,

v.

MARC ANTHONY PALMER,

Appellant

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NOV 15 2013
SC Court of Appeals

**RESPONDENT'S RETURN TO MOTION
TO RELEASE TAPES**

The Respondent State of South Carolina hereby makes a Return in partial opposition to the Motion to Release Tapes. In the Motion, the Appellant, through counsel, request this Court to order the release of the actual tapes of the hearing and trial of State v. Marc A. Palmer, March 11-14, 2013, July 22, 2011, December 15, 2011, and July 30, 2012 from the possession of Court Reporters Melissa R. Singletary and Stacey L. Sheppard to be physically released to appointed appellate counsel, Ryan L. Beasley, so that he can compare the transcripts that he received from the court reporters to the transcripts that he has been provided.

SCACR Rule 607(i) governs the retention of the tapes by the court reporter. Pursuant to the Rule, the court reporter has thirty (3) days after preparation of the transcript to retain the tapes to allow for challenge of the accuracy of the record.

Respondent is informed and believes from the certificates of the July 30, 2012 transcript that it was prepared on June 27, 2013. Respondent's counsel currently does not possess March 11-14, 2013 transcript or July 22, 2011 transcript so we are unclear when they were transcribed, however, in light of the extension requested in September, I assume the thirty (30) days had also passed for retention by the court reporter of the tapes.

Nevertheless, if either of the court reporters have possession of records and tapes of the respective hearings or trials, consistent with Rule 607(i), I oppose transfer of custody of the tapes directly to defense counsel for his review. However, the Respondent has no objection to either the following:

1. Having the respective court reporter review the various specific objections to the written transcription and certify either its accuracy or correction or
2. Allow review of the tapes while remaining in the custody of the court reporter or
3. Transferring the tapes to South Carolina Court Administration for its independent review and/or to make available to counsel while under the agency's custody and control or
4. Transferring the tapes to the Clerk's Office of the South Carolina Court of Appeals to make available to counsel while under the Court's custody and control.

WHEREFORE, the Respondent has made a Return to the Motion to Release Tapes concerning the trial and hearing in State v. Marc Anthony Palmer.

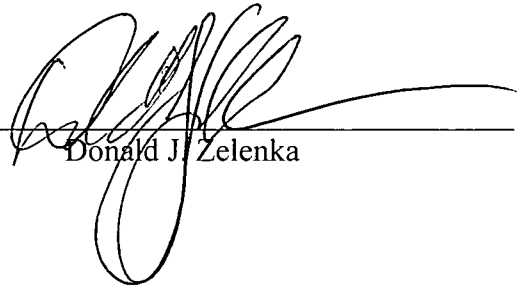
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

By:



Donald J. Zelenka

P.O. Box 11549
Columbia, SC 29211

November 15, 2013

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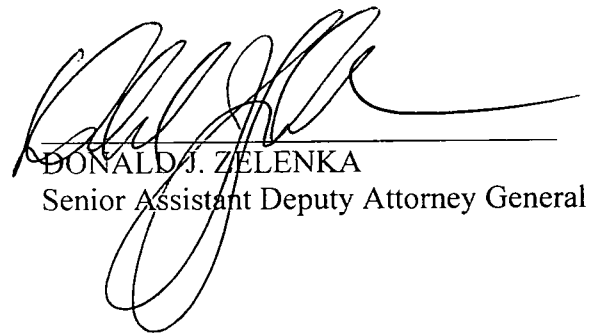
v.

MARC ANTHONY PALMER,

Appellant

CERTIFICATE OF SERVICE

I, **Donald J. Zelenka**, hereby certify that I have served the *Respondent's Return to Motion to Release Tapes* in the foregoing action by depositing copies in the United States mail, postage prepaid to Ryan L. Beasley, Esquire, 650 E. Washington Street, Greenville, SC 29601 and by Inter Agency Mail to Robert M. Dudek, Chief Attorney, Division of Appellate Defense, 1330 Lady Street, Ste. 401, Columbia, SC 29201 this 15th day of November, 2013.


DONALD J. ZELENKA
Senior Assistant Deputy Attorney General



ALAN WILSON
ATTORNEY GENERAL

November 15, 2013

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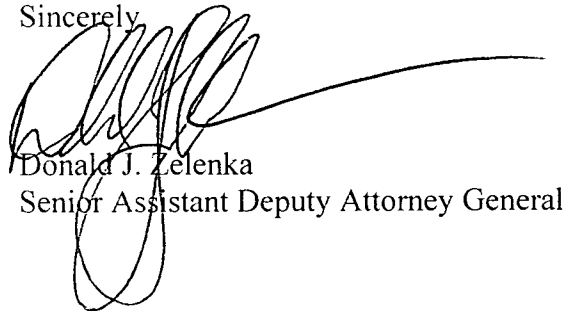
Honorable Jenny A. Kitching
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: State v. Marc Anthony Palmer
Appellate Case No. 2013-000700

Dear Ms. Palmer:

Enclosed please find the original and six (6) copies of the Respondent's Return to Motion to Release Tapes in the above-referenced case for filing. By copy of this letter, I am serving opposing counsel with same.

Sincerely



Donald J. Zelenka
Senior Assistant Deputy Attorney General

DJZ/lbb
Enclosures

Cc: Ryan L. Beasley, Esquire
Robert M. Dudek, Esquire