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Apr 15 2026

SC Court of Appeals

**MOTION REQUESTING PERMISSION TO
ORDER TRANSCRIPT OUTSIDE THE FILING
DEADLINE SET BY RULE 207, SCACR**

THE STATE OF SOUTH CAROLINA
The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas,

William Mckinnon, Circuit Court Judge

Appellate Case No. 2026-000259

The State,

Respondent,

v.

Davis Hart,

Appellant.

COMES NOW, Appellant David Hart, by and through undersigned counsel, and respectfully moves this Honorable Court for an Order granting permission to order the trial transcript outside the filing deadlines prescribed by Rule 207 of the South Carolina Appellate Court Rules (SCACR). In support thereof, Appellant states as follows:

This matter arises from a criminal proceeding in the Court of Common Pleas for York County, South Carolina, before the Honorable William McKinnon. Trial in this matter was held on January 22, 2026. Appellant has filed a Notice of Appeal bearing Appellate Case No. 2026-000259.

Rule 207, SCACR, establishes specific deadlines within which a party must order the official trial transcript for purposes of appeal. Counsel for Appellant, upon assumption of representation in this appellate matter, promptly undertook review of all relevant filings and proceedings. Despite counsel's diligent efforts to comply with all applicable appellate deadlines, the transcript was not ordered within the timeframe

prescribed by Rule 207, SCACR, due to the complexity of the appellate record and the need for additional time to identify and confirm the precise proceedings for which the transcript is required.

The transcript of the January 22, 2026, trial proceedings is essential to the preparation of Appellant's brief and the proper presentation of issues on appeal. Without the transcript, Appellant cannot meaningfully exercise his constitutional right to appellate review. Denying the requested relief would substantially prejudice Appellant's ability to advance legitimate claims on appeal and would undermine the interests of justice.

Counsel represents that this Motion is not filed for purposes of delay, but solely to ensure that Appellant receives a full and fair opportunity to pursue his appeal upon a complete record.

WHEREFORE, Appellant David Hart respectfully requests that this Honorable Court grant this Motion and enter an Order permitting Appellant to order the transcript of the January 22, 2026, trial proceedings outside the deadlines established by Rule 207, SCACR, and granting such other and further relief as this Court deems just and proper.



J. Todd Rutherford, Esquire
Attorney for the Appellant
The Rutherford Law Firm
1315 Blanding Street
Post Office Box 1452
Columbia, South Carolina 29202
Phone No.: (803) 256-3003
Facsimile: (803) 256-9698

Columbia, South Carolina
This 15th day of April 2026

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Appellant.

CERTIFICATE OF SERVICE

I, Tyriek Bell, certify that on this date I served the Motion Requesting Permission to Order Transcript Outside the Filing Deadlines set by Rule 207, SCACR by delivering a copy of this Motion to the Court, the Office of Court Administration, and opposing counsel with all correspondence concerning the transcript.



Tyriek Bell
Legal Assistant to J. Todd Rutherford
The Rutherford Law Firm
1315 Blanding Street
Post Office Box 1452
Columbia, South Carolina 29202
Phone No.: (803) 256-3003
Facsimile No.: (803) 256-9698

Columbia, South Carolina
This 15th day of April 2026

THE RUTHERFORD LAW FIRM, LLC

J. TODD RUTHERFORD
ATTORNEY AT LAW

AUSTIN NICHOLS
ATTORNEY OF COUNSEL

1315 BLANDING STREET
P.O. Box 1452
COLUMBIA, SC 29202
TELEPHONE: (803) 256-3003
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SC Court of Appeals

South Carolina Office of Court Administration
Attn: Chief Deputy Clerk Catherine S. Harrison
1220 Senate Street, Suite 200
Columbia, SC 29201

Re: State v. David Hart, Appellate Case No. 2026-000259
Trial Date: January 22, 2026
Presiding Judge: The Honorable William McKinnon

Dear Deputy Harrison:

This office represents David Hart, the Appellant in the above-captioned matter. Please allow this letter to serve as a formal notice of request for the preparation and transcription of the trial proceedings held on January 22, 2026, before the Honorable William McKinnon in the Court of Common Pleas for York County, South Carolina.

Kindly note that the South Carolina Court of Appeals has granted, or we are currently seeking leave of Court to order this transcript outside the deadlines established by Rule 207 of the South Carolina Appellate Court Rules. A copy of the Court's Order authorizing the late ordering of the transcript will be forwarded to you promptly upon receipt or is enclosed herewith.

Our office is requesting that the Court Reporter prepare the complete transcript of all proceedings held on January 22, 2026, including all testimony, arguments of counsel, rulings of the Court, and any other matters of record. Upon completion, the transcript and statement of costs will be forwarded to the address provided.

Should you have any questions or require any additional information, please do not hesitate to contact this office at (803) 256-3003.

With kindest regards,



Tyriek Bell
Legal Assistant to J. Todd Rutherford

THE RUTHERFORD LAW FIRM, LLC

J. TODD RUTHERFORD
ATTORNEY AT LAW

AUSTIN NICHOLS
ATTORNEY OF COUNSEL

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SC Court of Appeals

York County Solicitor Office
Attn: Assistant Solicitor Marina Hamilton
1675 York Hwy #1A
York, SC 29745

Re: State v. David Hart, Appellate Case No. 2026-000259
Trial Date: January 22, 2026
Presiding Judge: The Honorable William McKinnon

Dear Solicitor Hamilton:

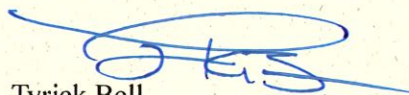
This office represents David Hart, the Appellant in the above-captioned matter. Please allow this letter to serve as a formal notice of request for the preparation and transcription of the trial proceedings held on January 22, 2026, before the Honorable William McKinnon in the Court of Common Pleas for York County, South Carolina.

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With kindest regards,



Tyriek Bell
Legal Assistant to J. Todd Rutherford