

RECEIVED

Apr 21 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from York County

Honorable G.D. Morgan, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAVID H. MASSIE,

APPELLANT.

APPELLATE CASE NO. 2025-000841

MOTION FOR REMAND FOR RECONSTRUCTION OF APPELLANT'S TRIAL

Pursuant to Rule 240, SCACR, Appellant moves this Honorable Court to remand this matter to the trial court requiring reconstruction of portions of Appellant's trial from April 14-16, 2025.

On February 29, 2024, the York County grand jury indicted Appellant for armed robbery and possession of a weapon during the commission of a violent crime (2023-GS-46-06754 and 2023-GS-46-06754A), pointing or presenting a firearm (2023-GS-46-07176), and resisting arrest with a deadly weapon (2023-GS-46-07177).

On April 14, 2025, Appellant's case was called to trial before the Honorable G.D. Morgan, Jr. and a jury. Appellant was represented by assistant public defender Matthew Niemiec.

Christopher Epting and Heather Burdette prosecuted the case. On April 16, 2025, Appellant was found guilty as indicted. Judge Morgan sentenced Appellant to a term of seventeen (17) years' incarceration on the armed robbery, five (5) years' incarceration on pointing or presenting a firearm, five (5) years' incarceration on resisting arrest, and five (5) years' incarceration on the charge of possession of a weapon all to run concurrently with credit for time served.

This case is now on direct appeal before this Court. Appellant has been unable to obtain a true and complete transcript of this trial, as delineated below.

It is unclear who Court Administration assigned as the Court Reporter for this trial. The sentence sheets note Stacy Johnson was the Court Reporter present at sentencing on April 16, 2025. See Exhibit A. The York County Clerk of Court's receipt for exhibits for this trial denotes Ebony Love-Taylor as the Court Reporter but is signed by Stacy Johnson. See Exhibit B. The court reporter roster available on the South Carolina Judicial Branch website indicates that Ebony Love-Taylor, DCRP was assigned to Judge Morgan's General Sessions Courtroom in York County on April 14, 15, and 16, 2025. See Exhibit C. The transcript provided to the undersigned was ultimately transcribed by Ali Beatty of Legal Eagle.¹

The first 358-page transcript delivered to Appellate Defense on or about December 9, 2025, contained various deficiencies, scrivener's errors, instances of "inaudible" and "indiscernible," lacked timestamps for jury movements, and was not a complete transcript of the trial. Critically, the transcript provided ended after the cross-examination of the second defense witness and did

¹ The certificate of transcriber lacks the appropriate designation of certification listed in Section III of the Court Reporter Manual for South Carolina
<https://www.sccourts.org/courtreporter/CourtReporterManual.pdf>

not include the conclusion of the defense case, the charge conference, the closing arguments, the charge on the law, the verdict, or the sentencing.

On February 25, 2026, the undersigned submitted a Transcript Challenge, along with a two-page *errata*, to Court Administration and to Ms. Beatty. See Exhibit D.

On April 3, 2026, Legal Eagle returned Revision A of the trial transcript to this office with the correction of various deficiencies and scrivener's errors but still lacking the known missing portions of the trial. This revision was accompanied by a certificate of transcriber dated October 21, 2025.

On April 3, 2026, undersigned counsel informed Legal Eagle that the transcript provided was still incomplete and requested that South Carolina Judicial Branch Court Reporter Section Manager Tammie Holmes send all existing audio of the trial to be transcribed. Legal Eagle averred to the undersigned that "this audio does not exist according to the Judge's staff and the SCJB" but that "should back up audio exist," Legal Eagle would prioritize its transcription. See Exhibit E. To date, Ms. Holmes has not responded to this correspondence.

The trial court 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). "[T]he inability to prepare a complete verbatim transcript, in and of itself, does not necessarily present a sufficient ground for reversal." Id. (internal citations omitted). "Where a trial transcript has been lost or destroyed, a court may remand to have the record reconstructed." *Koon v. State*, 358 S.C. 359, 367, 595 S.E.2d 456, 460 (2004); *see also Whitehead v. State*, 352 S.C. 215, 221, 574 S.E.2d 200, 203 (2002) (holding that when a transcript has been lost or destroyed, an appellate court may remand to have the record reconstructed).

In order for the record to be reconstructed, it must be done in a manner that provides for meaningful appellate review and complies with the constitutional guarantees of procedural due process. *Ladson*, 373 S.C. at 325, 644 S.E.2d at 273-274; *see also Adams v. H.R. Allen, Inc.*, 397 S.C. 652, 726 S.E.2d 9 (Ct. App. 2012). Moreover, a “new trial is therefore appropriate if the appellant establishes that the incomplete nature of the transcript prevents the appellate court from conducting a meaningful appellate review.” *Ladson*, 373 S.C. at 325, 644 S.E.2d at 274 (internal quotations omitted).

In *Ladson*, after the reconstruction hearing, the Court was “left with a bare bones summary of the evidence (with more remaining unknown than known) from a lengthy multi-day and fact-intensive trial that resulted in a non-parolable, twenty-five-year person term.” *Id.* at 327, 644 S.E.2d at 274. The record before the *Ladson* Court contained only “a few gratuitous references to generic motions and objections” without any information concerning “the context of the motions, the specific nature of the motions, and whether the challenged evidence was cumulative to other unchallenged evidence.” *Id.* In concluding the record was insufficient for meaningful appellate review, this Court also noted the record “would effectively foreclose any collateral challenge through post-conviction relief or otherwise.” *Id.* at 327, 644 S.E.2d at 275. Thus, this Court concluded, *Ladson* had demonstrated “clear prejudice.” *Id.*

In *Deaton v. Leath*, 279 S.C. 82, 84, 302 S.E.2d 335, 336 (1983), the defendant’s convictions were set aside, and a new trial had where the court reporter’s equipment malfunctioned and there was no transcript of the trial court proceedings in the case from which to base an appeal. Citing *Deaton*, the Court of Appeals denied a request for reconstruction in *State v. Serrette*, 375 S.C. 650, 652-653, 654 S.E.2d 554, 555 (Ct. App. 2007) where the reason for the lack of transcript was due to the defendant’s absence for a ten-year period, which this Court explained was “not a

situation where the court reporter's equipment malfunctioned at trial leading to a loss of the trial transcript." The complete absence of critical portions of the trial prevents meaningful appellate review in this case.

WHEREFORE, Appellant moves this Court to remand this matter to the trial court for the reconstruction of the missing portions of the April 2025 trial. While this motion is pending, Appellant asks this Court to continue hold the timelines for filing the initial brief of appellant and designation of matter in abeyance.

Respectfully submitted,



W. Chandler Norville
Appellate Defender

ATTORNEY FOR APPELLANT

This 21st day of April, 2026.

EXHIBIT A

STATE OF SOUTH CAROLINA
COUNTY OF YORK

SENTENCE ORDER

IN THE COURT OF GENERAL SESSIONS

JAIL

-) INDICTMENT/CASE#: 2023-GS-46-06754
-) AW#: 2023A4620302557
-) Date of Offense: 11/20/2023
-) S.C Code§: 16-11-0330(A)
-) CDR Code #: 0139
-) Range of Offense: Armed Robbery (NLT 10 years to 30 years)

ORIGINAL

STATE vs.
David Herbert Massie



who was CONVICTED OF or PLEADS

TO: Armed Robbery

Range of Offense Pled: (NLT 10 years to 30 years)

In violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS MANDATORY GPS § 17-25-45
(GSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted Lesser Included Offense Defendant Waives Presentment to Grand Jury

The plea is: w/o Rec/Negotiations Negotiated Recommendation

/s Christopher W. Epting 76321
Solicitor SC Bar #

/s Matthew R. Niemiec 16955
Attorney for Defendant SC Bar #

The Defendant is committed to the SCDC County Detention Center Home Incarceration Program
for a determinate term of 17 days/months/years/Time Served YOANTE _____ years and/or shall pay a fine
of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment
of \$ _____ plus costs and assessments as applicable* ; balance is suspended with probation for _____ months/years
and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run CONCURRENT or CONSECUTIVE to sentence on: _____
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC
513 days/months To include time spent on monitored house arrest prior to trial and sentencing

SPECIAL CONDITIONS:

- PTUP _____
- No Contact with Victim Domestic Violence Intervention Program Hold for Inpatient Treatment
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 SAC/MHC if necessary
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
- Other: _____

RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))

- §14-1-206 (Assessments 107.5%) Fine/Costs and Assessments are to be paid to the Clerk of Court within _____ days/months
- §14-1-211 (A)(1) Conv. Surcharge \$100
- §14-1-211 (A)(2)(DUI Surcharge) \$100
- §56-5-1995 (DUI Assessment) \$12
- §56-1-286 (DUI Breath Test) \$25
- §14-1-212 (Law Enforcement Funding) \$25
- §14-1-213 (Drug Court Surcharge) \$150
- §34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs) \$41
- §50-21-114 (BUI Breath Test Fee) \$50
- §56-5-2942(J) (Vehicle Assessment) \$40/ea
- 3% to County (if paid in installments) TBD
- Appointed PD or appointed other counsel. Provisio requires \$500 to be paid to Clerk during probation and shall be collected before any other fees \$500
- §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund \$40

Restitution	\$	_____
FINE:	\$	_____
	\$	_____
	\$	100
	\$	_____
	\$	_____
	\$	25
	\$	_____
	\$	_____
	\$	_____
	\$	_____
	\$	_____
	\$	_____
TOTAL	\$	125.00

/s Angie Bryant
Clerk of Court/Deputy Clerk

Stacy Johnson 2773 Morgan
Court Reporter Judge Code

April 16, 2025
Sentence Date

[Signature]
Presiding Judge

SCCA217B
01/27/2025

2025 APR 21 11:34
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STATE OF SOUTH CAROLINA
COUNTY OF YORK

SENTENCE ORDER

EXHIBIT A
IN THE COURT OF GENERAL SESSIONS

JAIL

STATE vs.
David Herbert Massie

-) INDICTMENT/CASE#: 2023-GS-46-06754A
-) AW#: 2023A4620302558
-) Date of Offense: 11/20/2023
-) S.C Code§: 16-23-0490
-) CDR Code #: 0549
-) Range of Offense: Possession of a Weapon During the Commission of a Violent Crime (5 years)

ORIGINAL

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Possession of a Weapon During the Commission of a Violent Crime
Range of Offense Pled: (5 years)

In violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS MANDATORY GPS § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted Lesser Included Offense Defendant Waives Presentment to Grand Jury
The plea is: w/o Rec/Negotiations Negotiated Recommendation

/s Christopher W. 76321 /s Matthew R. Niemiec 16955
Epting SC Bar # Attorney for Defendant SC Bar #

The Defendant is committed to the SCDC County Detention Center Home Incarceration Program
for a determinate term of 5 days/months/years/Time Served YOANTE _____ years and/or shall pay a fine
of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment
of \$ _____ plus costs and assessments as applicable*; balance is suspended with probation for _____ months/years
and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run CONCURRENT or CONSECUTIVE to sentence on: _____
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC
513 days/months To include time spent on monitored house arrest prior to trial and sentencing

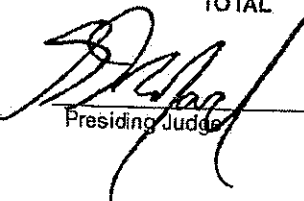
SPECIAL CONDITIONS:

- PTUP _____
- No Contact with Victim Domestic Violence Intervention Program Hold for Inpatient Treatment
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 SAC/MHC if necessary
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
- Other: _____

<input type="checkbox"/> RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))	Restitution	\$ _____
§14-1-206 (Assessments 107.5%)	FINE:	\$ _____
§14-1-211 (A)(1) Conv. Surcharge		\$ _____
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$ <u>100</u>
§56-5-1995 (DUI Assessment)	\$100	\$ _____
§56-1-286 (DUI Breath Test)	\$12	\$ _____
§14-1-212 (Law Enforcement Funding)	\$25	\$ _____
§14-1-213 (Drug Court Surcharge)	\$25	\$ <u>25</u>
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$150	\$ _____
§50-21-114 (BUI Breath Test Fee)	\$41	\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$50	\$ _____
3% to County (if paid in installments)	\$40/ea	\$ _____
<input type="checkbox"/> Appointed PD or appointed other counsel. Provisio requires \$500 to be paid to Clerk during probation and shall be collected before any other fees	TBD	\$ _____
<input type="checkbox"/> §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund	\$500	\$ _____
	\$40	\$ _____
	TOTAL	\$ <u>125.00</u>

/s Angie Bryant
Clerk of Court/Deputy Clerk
Stacy Johnson 2773 Morgan
Court Reporter Judge Code

April 16, 2025
Sentence Date


Presiding Judge

SCCA217B
01/27/2025

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STATE OF SOUTH CAROLINA
COUNTY OF YORK

SENTENCE ORDER

EXHIBIT A
IN THE COURT OF GENERAL SESSIONS

JAIL

-) INDICTMENT/CASE#: 2023-GS-46-07176
-) AW#: 2023A4610100772
-) Date of Offense: 11/20/2023
-) S.C Code§: 16-23-0410
-) CDR Code #: 0122
-) Range of Offense: Pointing or Presenting a Firearm (NMT 5 years &/or discretionary fine)

ORIGINAL

STATE vs.
David Herbert Massie



In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Pointing or Presenting a Firearm Range of Offense Pled: (NMT 5 years &/or discretionary fine)

In violation of § 16-23-0410 of the S.C. Code of Laws, bearing CDR Code # 0122

- NON-VIOLENT
- VIOLENT
- SERIOUS
- MOST SERIOUS
- MANDATORY GPS (GSC w/minor 1st or CSC w/minor 3rd)
- § 17-25-45

The charge is: As indicted Lesser Included Offense Defendant Waives Presentment to Grand Jury
The plea is: w/o Rec/Negotiations Negotiated Recommendation

/s Christopher W. Epting 76321 /s Matthew R. Niemiec 16955

Solicitor SC Bar # Attorney for Defendant SC Bar #

The Defendant is committed to the SCDC County Detention Center Home Incarceration Program for a determinate term of 5 days/months/0 years/Time Served YOANTE _____ years and/or shall pay a fine of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment of \$ _____ plus costs and assessments as applicable*; balance is suspended with probation for _____ months/years and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC 513 days/months To include time spent on monitored house arrest prior to trial and sentencing

SPECIAL CONDITIONS:

- PTUP _____
- No Contact with Victim Domestic Violence Intervention Program Hold for Inpatient Treatment
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 SAC/MHC if necessary
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
- Other: _____

RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))

§14-1-206 (Assessments 107.5%)
§14-1-211 (A)(1) Conv. Surcharge) Fine/Costs and Assessments are to be paid to the Clerk of Court within _____ days/months
§14-1-211 (A)(2)(DUI Surcharge)

§56-5-1995 (DUI Assessment)	\$100	\$
§56-1-286 (DUI Breath Test)	\$100	\$ 100
§14-1-212 (Law Enforcement Funding)	\$12	\$
§14-1-213 (Drug Court Surcharge)	\$25	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$25	\$ 25
§50-21-114 (BUI Breath Test Fee)	\$150	\$
§56-5-2942(J) (Vehicle Assessment)	\$41	\$
3% to County (if paid in installments)	\$50	\$
<input type="checkbox"/> Appointed PD or appointed other counsel. Provisio requires \$500 to be paid to Clerk during probation and shall be collected before any other fees	\$40/ea	\$
<input type="checkbox"/> §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
	\$500	\$
	\$40	\$
	TOTAL	\$ 125.00

/s Angie Bryant
Clerk of Court/Deputy Clerk
Stacy Johnson
Court Reporter

2773 Morcian
Judge Code

April 15, 2025
Sentence Date

Presiding Judge

SCCA217B
01/27/2025

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EXHIBIT A

STATE OF SOUTH CAROLINA
COUNTY OF YORK

SENTENCE ORDER

IN THE COURT OF GENERAL SESSIONS

JAIL

) INDICTMENT/CASE#: 2023-GS-46-07177
) AW#: 2023A4610100773
) Date of Offense: 11/20/2023
) S.C Code§: 16-03-0625
) CDR Code #: 2352
) Range of Offense: Resisting Arrest With A Deadly Weapon (I)

ORIGINAL

STATE vs.
David Herbert Massie



who was CONVICTED OF or PLEADS

Range of Offense Pled: 1 (1-5 years)

TO: Resisting Arrest With A Deadly Weapon

In violation of § 16-03-0625 of the S.C. Code of Laws, bearing CDR Code # 2352

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS MANDATORY GPS § 17-25-45
(GSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted Lesser Included Offense Defendant Waives Presentment to Grand Jury

The plea is: w/o Rec/Negotiations Negotiated Recommendation

RECEIVED

Apr 29 2025

/s Christopher W. Epting
Solicitor

76321
SC Bar #

/s Matthew R. Niemiec
Attorney for Defendant

16955
SC Bar #

SC Court of Appeals

The Defendant is committed to the SCDC County Detention Center Home Incarceration Program
for a determinate term of 5 days/months/years/Time Served YOANTE _____ years and/or shall pay a fine
of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment
of \$ _____ plus costs and assessments as applicable*; balance is suspended with probation for _____ months/years
and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC
513 days/months To include time spent on monitored house arrest prior to trial and sentencing

SPECIAL CONDITIONS:

- PTUP _____
- No Contact with Victim Domestic Violence Intervention Program Hold for Inpatient Treatment
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 SAC/MHC if necessary
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
- Other: _____

RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))

§14-1-206 (Assessments 107.5%)		Restitution	\$ _____
§14-1-211 (A)(1) Conv. Surcharge		FINE:	\$ _____
§14-1-211 (A)(2)(DUI Surcharge)	Fine/Costs and Assessments are to be paid to the Clerk of Court within _____ days/months		\$ 100
§56-5-1995 (DUI Assessment)			\$ 100
§56-1-286 (DUI Breath Test)			\$ 12
§14-1-212 (Law Enforcement Funding)			\$ 25
§14-1-213 (Drug Court Surcharge)			\$ 25
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)			\$ 150
§50-21-114 (BUI Breath Test Fee)			\$ 41
§56-5-2942(J) (Vehicle Assessment)			\$ 50
3% to County (if paid in installments)			\$ 40/ea
<input type="checkbox"/> Appointed PD or appointed other counsel. Provisio requires \$500 to be paid to Clerk during probation and shall be collected before any other fees			TBD
<input type="checkbox"/> §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund			\$ 500
		TOTAL	\$ 125.00

/s Angie Bryant
Clerk of Court/Deputy Clerk

Stacy Johnson
Court Reporter

2773 Morgan
Judge Code

April 15, 2025
Sentence Date

[Signature]
Presiding Judge

SCGA217B
01/27/2025

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STATE OF SOUTH CAROLINA

COUNTY OF York

State of SC

Plaintiff(s),

vs.

David Massie

Defendant(s).

IN THE FAMILY COURT EXHIBIT B
16 JUDICIAL CIRCUIT

EXHIBIT LIST

Docket No. 2023GS4606754/A

Plaintiff: State of SC	Defendant: David Massie
Attorney: Chris Spring	Attorney: Matthew Nemic
Hearing Start: 04/14/25	Judge: Morgan
Hearing End:	Court Reporter: E. Love Taylor

Plaintiff	Exhibit Description	Defendant	Exhibit Description
1.	Leland Body cam	1.	JACKET
2.	Rachel's Body cam	2.	BLUE SHIRT
3.	Dani's Body cam	3.	BRAC PACK
4.	— Withdrawn	4.	
5.	Surveillance stills	5.	
6.	Flash Drive	6.	
7.	PHOTOS (A-F)	7.	
8.	BUSINESS RECORDS	8.	
9.	PHOTOS (A-09)	9.	
10. A/B	Aerial photos	10.	
11. A/B	Knife	11.	
12.	Mask	12.	
13.	BOOTS	13.	
14.	GUN	14.	
15.	BULLETS	15.	
16.	Flash Drive (digital presentation)	16.	

Submitted and received this 04 day of April, 2025.

Christy Johnson
Court Reporter

4/13/25 *Jodi Hull*
(Deputy) Clerk

STATE OF SOUTH CAROLINA

COUNTY OF _____

IN THE FAMILY COURT
JUDICIAL CIRCUIT EXHIBIT B

Plaintiff(s),

VS.

Defendant(s).

Docket No. _____

EXHIBIT LIST

Plaintiff: Attorney:	Defendant: Attorney:
Hearing Start:	Judge:
Hearing End:	Court Reporter:

Plaintiff	Exhibit Description	Defendant	Exhibit Description
17.	Wolster	1.	
18.	Black shirt	2.	
19.	Green pants	3.	
20.	plastic bag	4.	
21.	flash drive (Bond hearing)	5.	
22.	— withdrawn	6.	
23.	Styrofoam head	7.	
8.		8.	
9.		9.	
10.		10.	
11.		11.	
12.		12.	
13.		13.	
14.		14.	
15.		15.	
16.		16.	

Submitted and received this _____ day of _____, 20____.

Stacy Johnson

4/16/23

Jodie Hull

Court Reporter

(Deputy) Clerk of Court

STATE OF SOUTH CAROLINA

EXHIBIT B
IN THE FAMILY COURT
JUDICIAL CIRCUIT

COUNTY OF _____

Plaintiff(s),

vs.

Defendant(s).

Docket No. _____

Court
EXHIBIT LIST

Plaintiff: Attorney:	Defendant: Attorney:
Hearing Start:	Judge:
Hearing End:	Court Reporter:

Plaintiff	Exhibit Description	Defendant	Exhibit Description
1.	Newspaper Article	1.	
2.	July Note	2.	
3.	July Note	3.	
4.	USB of Evidence	4.	
5.		5.	
6.		6.	
7.		7.	
8.		8.	
9.		9.	
10.		10.	
11.		11.	
12.		12.	
13.		13.	
14.		14.	
15.		15.	
16.		16.	

Submitted and received this _____ day of _____, 20____.

Walter Johnson 7/14/25
Court Reporter *Opdiehell*

EXHIBIT C Terms of Circuit and Family Court

Circuit 16

April 2025

04/07/2025	04/14/2025	04/21/2025	04/28/2025
<p>Common Pleas/Common Pleas Nonjury York 04-07-2025-04-11-2025 McMaster, William C., III <u>Holzknicht, DCRP 7, 8</u> <u>No CR Needed 9</u> <u>Holzknicht, DCRP 10, 11 am</u></p> <p>Common Pleas/Common Pleas Nonjury Union 04-07-2025-04-11-2025 McKinnon, William A. <u>Smith, DCRP 7, 8 am</u> <u>No CR Needed 9, 10, 11</u></p>	<p>General Sessions York 04-14-2025-04-18-2025 Morgan, G. D., Jr. <u>Love-Taylor, DCRP 14, 15, 16</u> <u>Smith, DCRP 17, 18</u></p> <p>Common Pleas Non-Jury 04-14-2025-04-18-2025 McKinnon, William A. <u>WebEx 14, 15, 16, 17, 18</u></p> <p>General Sessions Non-Jury 04-14-2025-04-18-2025 Caraker, David P., Jr. <u>McGilberry 14, 15, 16</u> <u>Jenkins 17</u> <u>No CR Needed 18</u></p>	<p>General Sessions Union 04-21-2025-04-25-2025 Maddox, J. Cordell, Jr. <u>McGilberry 21, 22</u> <u>No CR Needed 23</u> <u>McGilberry 24, 25</u></p> <p>Common Pleas/Common Pleas Nonjury York 04-21-2025-04-25-2025 Kelly, R. Keith <u>Holzknicht, DCRP 21</u> <u>No CR Needed 22, 23, 24, 25</u></p> <p>General Sessions Non-Jury 04-25-2025-04-25-2025 Kelly, R. Keith <u>Smith, DCRP 25</u></p>	
<p>Family Court York 04-07-2025-04-11-2025 Diamaduros, Sammy <u>DiScioscia 7</u> <u>McGilberry 8, 9, 10, 11</u></p> <p>Family Court York 04-07-2025-04-11-2025 Guyton, David G. <u>Walker 7, 8</u> <u>No CR Needed 9, 10</u> <u>Reed 11</u></p>	<p>Family Court York 04-14-2025-04-18-2025 Smith, R. Chadwick <u>Holzknicht, DCRP 14 am</u> <u>No CR Needed 15</u> <u>Holzknicht, DCRP 16, 17, 18 am</u></p> <p>Family Court Union 04-14-2025-04-18-2025 Diamaduros, Sammy</p>	<p>Family Court York 04-21-2025-04-25-2025 Moss, Angela J. <u>Contract Circuit 21, 22, 23, 24, 25</u></p> <p>Family Court York 04-21-2025-04-25-2025 Diamaduros, Sammy <u>Love-Taylor, DCRP 21, 22, 23, 24, 25</u></p>	<p>Family Court York 04-28-2025-04-30-2025 Smith, R. Chadwick <u>Holzknicht, DCRP 28, 29, 30, 1</u> <u>Holzknicht, DCRP 2 am</u></p> <p>Family Court York 04-28-2025-05-02-2025 Guyton, David G. <u>Walker 28, 29, 30, 1, 2</u></p>



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
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Columbia, South Carolina 29201-3332
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Wanda H. Carter, Chief Appellate Defender

February 25, 2026

Ms. Ali Beatty
Transcriber, Legal Eagle
PO Box 5682
Greenville, SC 29606
depos@legaleagleinc.com
(via email)

Re: The State v. David H. Massie
Appellate Case No. 2025-000841
Indictment Nos. 2023-GS-45-06754, -06754A, -07176, and -07177
Trial Transcript dated: April 14, 15, 16, 2025

Dear Ms. Beatty:

Our office is in receipt of the 358-page April 14, 15, 16, 2025 trial transcript transcribed by you in the above-entitled case. With this letter, and the enclosed two-page errata outlining various deficiencies, scrivener's errors, instances of "inaudible" or "indiscernible," and lack of completeness, I am challenging both the accuracy and completeness of this transcript. Court Reporter Section Manager Tammie Holmes is copied to this correspondence so that she may supply all of the audio files related to the requested trial transcript challenge. Please respond to this correspondence estimating when a corrected transcript will be provided.

Sincerely,

A handwritten signature in black ink that reads "W. Chandler Norville".

W. Chandler Norville
Appellate Defender

WCN/kpw

cc: Tammie Holmes, SC Judicial Branch Court Reporting Section Manager

Mark R. Farthing, Esquire

Enclosure: Trial Transcript Errata

State v. David H. Massie April 14, 15, and 16 Trial Transcript Errata

General notes: occurrences of inaudible: 22 occurrences of indiscernible: 38

- This transcript lacks page headers required by the CR manual Chapter XV Section H (p. 33)
- Only contains time stamps for some jury movement- CR manual Chapter XV Section M (p. 34) requires time stamps for all jury movement.
- The transcription ends after the testimony of two defense witnesses although the complete trial transcript was ordered. Contains no requests to charge, jury charge, verdict, or sentence as required by Chapter VX Sections K-O (p. 33-34)

Cover page: Caption refers to the state as the “Plaintiff” although this is a criminal trial.

p. 3: index indicates this is not the complete trial transcript as was ordered, indicates transcription ends after two Defense witnesses.

p. 4: exhibits index lacks headings to indicate which page numbers the exhibits were entered for ID or into evidence

p. 6: transcription of proceedings begins without time and date stamp. This is a multi-day trial.

p. 46: notes timestamps for recess taken, evidence timestamps can be applied to the other excerpts

p. 53: three instances of (inaudible) in Juror 63’s answers regarding religious status as Jehovah’s Witness

p. 54: Juror 99’s two answers re their knowledge of the underlying crime (inaudible)

pp. 65-70: contains indications of (phonetic) spelling of all juror names- the transcriber should be referring to the jury strike sheet for the spelling of these names.

p. 72: jury movement notation lacks timestamp

p. 74: jury movement notation lacks timestamp

p. 81, l. 20: “Plaintiff’s opening statement” this is not a civil trial

p. 91, l. 0: “Plaintiff’s witness sworn” this should appear as “State’s Witness.” This same problem occurs when each of the state’s witnesses are sworn, on pp. 131, 167, 192, 216, 250, 257, 286, 302

p. 102, l. 10: “plaintiff’s exhibit 8 admitted” this is a criminal trial, these are state’s exhibits and were marked by CR Stacy Johnson with state’s exhibit tags and were referred to by the state as “state’s exhibit” when introduced. This issue also occurs on pp. 104, 181, 204, 222, 227, 228, 231, 232, 234, 235, 238, 242, 254, 262, 265, 267, 268, 271, 290, 308, 309, 313, 316

EXHIBIT D

p. 148, ll. 3-5: notes court adjourned at 4:41pm, then notes “Continuation of proceedings April 15, 2025” but does not timestamp when those proceedings begin.

p. 152, l. 10: court is examining jurors pursuant to a motion for mistrial. Juror 146’s answer to if they can be fair and impartial is (inaudible)

p. 153, ll. 1-20: Juror 110’s four answers to judge’s line of questioning are all (inaudible)

p. 155: Juror 129’s answer to if they can be fair and impartial is (inaudible)

p. 156: Juror 166’s answer to if they can be fair and impartial is (inaudible)

p. 157: Juror 91’s three answers to judge’s line of questioning all (inaudible)

p. 159: Juror 51’s answer to if they can be fair and impartial is (inaudible)

p. 167, l. 2: “plaintiff’s witness sworn”

p. 168, l. 16: “role call” this is a scrivener’s error. The turn of phrase used here is spelled “roll call” and was spelled correctly on l. 12

p. 332: Court adjourned 4:26, continuation of proceedings April 16, 2025 no time stamp, begins with defense counsel greeting a witness- it is clear as the testimony goes on that this witness is testifying via a remote platform but there is no CR notation

p. 344, l. 8: Scrivener’s error “lerk of court”

p. 357: transcription ends with the second defense witness being excused. We ordered the entire trial transcript.

p. 358: certificate of transcriber erroneously certifies this is a “true, accurate, and complete Transcript of Record of the proceedings had and evidence introduced in the trial”

Warren, Kaylynn

From: Kevin Dehlinger <kdehlinger@LegalEagleInc.com>
Sent: Friday, April 3, 2026 10:34 AM
To: Norville, Chandler; Holmes, Tammie
Cc: Mark Farthing; SC - COLLINS CAROLINE; White, Della; Warren, Kaylynn
Subject: RE: [External] RE: 2025-000841 The State v. David H. Massie TRANSCRIPT CHALLENGE

Chandler,

As mentioned in the Word document provided, this audio does not exist according to the Judge's staff and the SCJB.

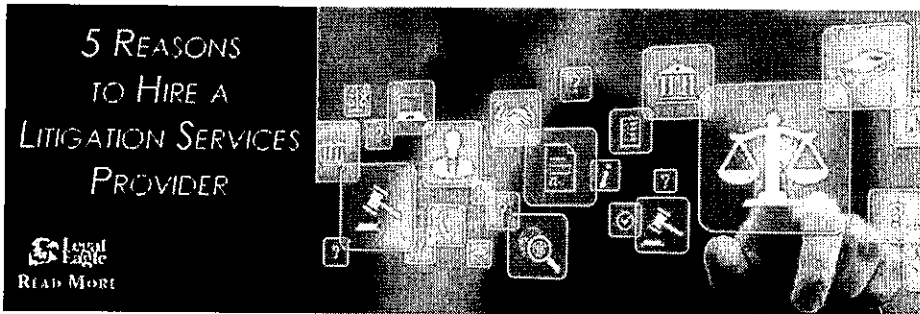
Should back up audio exist, we will make it a priority to transcript as quickly as possible. Thank you.



Kevin Dehlinger
Director of Operations

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E kdehlinger@legaleagleinc.com

107 LeGrand Blvd., Greenville, SC 29607
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From: Norville, Chandler <cnorville@sccid.sc.gov>
Sent: Friday, April 3, 2026 10:30 AM
To: Kevin Dehlinger <kdehlinger@LegalEagleInc.com>; Holmes, Tammie <tholmes@sccourts.org>
Cc: Mark Farthing <mfarthing@scag.gov>; SC - COLLINS CAROLINE <ccollins@scag.gov>; White, Della <dwhite@sccid.sc.gov>; Warren, Kaylynn <kwarren@sccid.sc.gov>
Subject: Re: [External] RE: 2025-000841 The State v. David H. Massie TRANSCRIPT CHALLENGE

Dear Kevin and Tammie:

A part of this transcript challenge was that this was not a complete transcript of the trial. I am asking that Ms. Holmes send all audio of this trial to Mr. Dehlinger, to complete the transcript of this trial. The

EXHIBIT E

current transcript is still deficient per the transcript request and the Court Reporter Manual. Specifically, this revised transcript still cuts off in the middle of the defense case-in-chief and does not transcribe the remainder of the defense case, the jury charge, closing arguments, the verdict, or sentencing.

Kevin, if you need to request the backup tape in order to effectuate that, please do so.

Please provide a complete transcript in accordance with the transcript request. I look forward to hearing from you.

V/r,

Chandler Norville
Appellate Defender
SC Commission on Indigent Defense
Division of Appellate Defense
(803) 734-1955

From: Kevin Dehlinger <kdehlinger@LegalEagleInc.com>
Sent: Friday, April 3, 2026 9:43 AM
To: Norville, Chandler <cnorville@sccid.sc.gov>
Cc: Holmes, Tammie <tholmes@sccourts.org>; Mark Farthing <mfarthing@scag.gov>; SC - COLLINS CAROLINE <ccollins@scag.gov>; White, Della <dwhite@sccid.sc.gov>
Subject: [External] RE: 2025-000841 The State v. David H. Massie TRANSCRIPT CHALLENGE

Chandler,

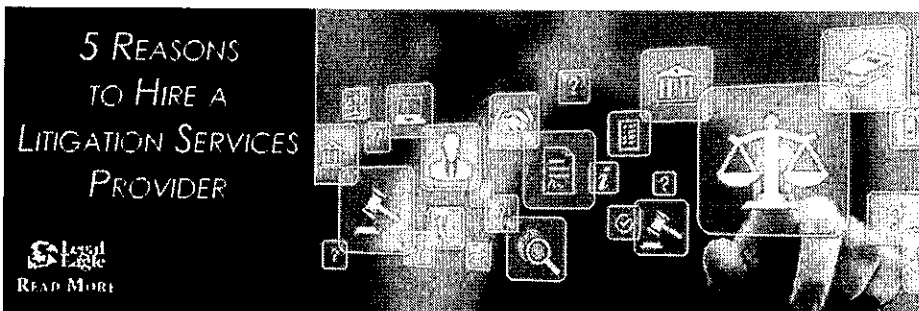
Attached is the revised transcript for this trial with a document that details each section of your challenge. Hope you have a good weekend.



Kevin Dehlinger
Director of Operations

M (864) 444-4219 | **P** (864) 467-1373
E kdehlinger@legaleagleinc.com

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RECEIVED

Apr 21 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from York County

Honorable G.D. Morgan, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAVID H. MASSIE,

APPELLANT.

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 Reconstruct the Record of Appellant's Trial in the above-referenced case have been served upon Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 21st day of April, 2026.



W. Chandler Norville
Appellate Defender

ATTORNEY FOR APPELLANT

Warren, Kaylynn

RECEIVED

Apr 21 2026

SC Court of Appeals

From: Warren, Kaylynn
Sent: Tuesday, April 21, 2026 1:57 PM
To: Mark Farthing
Cc: Norville, Chandler; Caroline Collins
Subject: 2025-000841 The State v. David H. Massie
Attachments: 2025-000841 The State v. David H. Massie Motion for Remand for Reconstruction of Appellant's Trial.pdf

Good Afternoon,

Attached for service in the above-referenced case is the Motion to Remand for Reconstruction of Appellant's Trial which will be filed today, April 21, 2026, 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