

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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MAY 21 2026

SC Court of Appeals

THE STATE,

Respondent,

VS

RODNEY NESMITH,

Appellant.

Appellate Case No. 2026-000811

MOTION FOR PERMISSION TO ORDER TRANSCRIPT OUT OF TIME

COMES NOW, the Appellant, Rodney Nesmith, pro se, and respectfully moves this Honorable Court for permission to order the transcript outside the time limits set forth in Rule 207, SCACR.

In support of this motion, Appellant states as follows:

1. Appellant is presently incarcerated within the South Carolina Department of Corrections and is proceeding pro se in this appeal.
2. Appellant recently received correspondence from the clerk of the south carolina court of Appeals dated May 13, 2026, advising that the time for ordering the

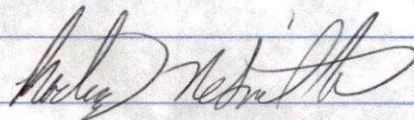
transcript had expired.

3. Appellant was previously unaware that he was personally required to request the transcript from the court reporter.
4. Upon receiving notice from the court, Appellant acted promptly and in good faith to address the issue.
5. Appellant has prepared and submitted a written request for the transcript to the appropriate court reporter and attaches a copy of the request hereto as Exhibit A.
6. The failure to timely request the transcript was not intentionally, wilful, or done in bad faith, but resulted from Appellant's incarceration, pro se status, and lack of understanding regarding appellate transcript procedures. In addition to no assistance from S.C. appellate defense.
7. Dismissal of the appeal would result in substantial prejudice to Appellant and would prevent review of the issues raised in this criminal appeal.

8. South Carolina appellate courts generally favor disposition of appeals on their merits whenever reasonably possible.

WHEREFORE, Appellant respectfully requests that this Honorable court grant permission to order the transcript out of time pursuant to Rule 207, SCACP, and allow this appeal to proceed.

Respectfully submitted,

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Rodney Nesmith #257104

Kirkland Correctional Institution

4344 Broad River Rd.

Columbia, SC 29210

May 18, 2026

# EXHIBIT - A

( May 18, 2026 letter to court reporter requesting transcript from March 26, 2026 hearing on Motion to vacate sentence )

Rodney Nesmith #257104  
Kirkland Correctional Institution  
4344 Broad River Rd.  
Columbia, SC 29210

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MAY 21 2026

SC Court of Appeals

May 18, 2026

Horry County Clerk of Court  
Attn: Court reporter  
P.O. Box 677  
Conway, SC 29528

RE: Request For Transcript Appellate Case No. 2026-000811  
The state vs. Rodney Nesmith, case no, 2022-GS-26-4117

Dear Court Reporter:

I respectfully request preparation of the transcript in the above-referenced criminal case for purposes of my appeal before the South Carolina Court of Appeals.

The transcript requesting is from the March 26, 2026 hearing on motion to vacate sentence heard before the Honorable Benjamin H. Culbertson, Circuit court judge.

Please take notice that I recently received notice from

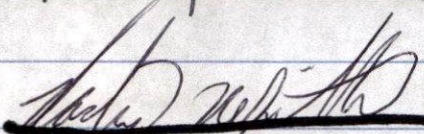
the court of Appeals advising that the transcript must be requested.

Please prepare and file the transcript with the appellate court as required.

Thank you for your time and assistance in this matter.

Respectfully Submitted,

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~~Rodney Nesmith #257104~~

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SC Court of Appeals

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Motion for Permission to order Transcript out of Time was served upon the parties addressed below by via U.S. mail with appropriate pre-paid postage on this 18th day of May, 2026.

Office of the Attorney General

Attn: Alan Wilson

P.O. Box 11549

Columbia, SC 29211

Wanda Carter, Appellate Defender

S.C. commission on Indigent Defense

P.O. Box 11589

Columbia, SC 29211

David Beamer, Solicitor

Horry County Solicitor's Office

P.O. Box 1276

Conway, SC 29528

151

Rodney Nesmith

Rodney Nesmith # 257104  
Kirkland Correctional Institution  
4344 Broad River Road  
Columbia, SC 29210

COLUMBIA SC 290

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Kirkland R&E Center  
Mailroom

South Carolina Court of Appeals  
Attn: Clerk of court  
P.O. Box 11629  
Columbia, SC 29211

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SC Court of Appeals

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\* LEGAL MAIL \*