

December 20, 2013

Columbia
Direct Dial (803) 576-3718
sbias@richardsonplowden.com

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

Re: The State, Respondent vs. Darius Ransom-Williams, Appellant
Appellate Case No. 2012-212566
Our File No.: 095-559

Dear Ms. Kitchings:

Per this Court's Order, I am writing to update you on this matter and request an extension of time to file our Initial Appellant's Brief. On or about December 11, 2013 this Court issued an Order remanding this matter to the Trial Court for reconstruction of the record. Pursuant to that Order, I was directed to contact Judge Edgar Dickson to coordinate scheduling said hearing within 10 days of the date of that letter. Please see the attached letter, dated December 18, 2013, evidencing my compliance with the Court's directive. I have contacted Judge Dickson, and the Public Defender, and the Solicitor who participated in the hearing and we have scheduled the reconstruction hearing for January 3, 2014 at 10:00 a.m. Please see the attached e-mail from Judge Dickson's law clerk as evidence of the hearing scheduling.

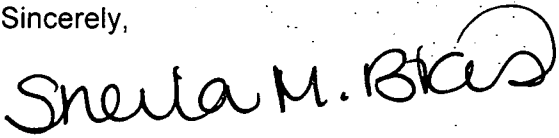
By Order dated November 27, 2013, this Court extended the filing of our Initial Appellant's Brief to January 2, 2014. This Court further advised that no additional extensions would be granted unless there were extraordinary circumstances. Because the reconstruction hearing is scheduled for January 3, 2014 there exists extraordinary circumstances warranting an additional extension because it will be impossible for me to file the Initial Appellant's Brief on January 2, 2014. Therefore, I would respectfully request an additional extension in which to file the Initial Appellant's Brief to 30 days from my receipt of the transcript from the reconstruction hearing. I will advise the Court once we have received it, and will take all necessary steps to communicate with the court reporter the urgency of receiving the transcript. If these arrangements are not satisfactory to the Court, please advise and I will make additional arrangements.

RECEIVED
DEC 23 2013

SC Court of Appeals

With kind regards, I am

Sincerely,

A handwritten signature in black ink that reads "Sheila M. Bias". The signature is written in a cursive style with a large, looping initial "S".

Sheila M. Bias

SMB/dfb

Enclosures

cc: Salley W. Elliott, Assistant Attorney General (w/enclosures)
Robert M. Dudek, Esquire (w/enclosures)

Sheila Bias

From: Dickson, Edgar W. Law Clerk (Joshua A. Edwards) [REDACTED]
Sent: Friday, December 20, 2013 10:16 AM
To: Sheila Bias
Cc: Dickson, Edgar W. Secretary (Peggy Smith); Donald Sorenson
Subject: RE: State v. Darius Ransom-Williams

Good Morning:

Ms. Bias, the Court is in receipt of your letter inquiring about the hearing to reconstruct the record in this case. As you can see from the forwarded emails, I have conferred with trial counsel (Solicitor Don Sorensen and Public Defender Mark Wise) and agreed on a date: Friday, January 3rd at 10am. Please let me know if you have any questions or concerns about this hearing or date. Thank you.

With Kind Regards,
Josh Edwards

Joshua A. Edwards
Law Clerk, Hon. Edgar W. Dickson
First Judicial Circuit
P.O. Box 1949
Orangeburg, SC 29116
803-535-2187 (phone)
803-535-2188 (fax)

From: Donald Sorenson [REDACTED]
Sent: Thursday, December 19, 2013 9:27 AM
To: Dickson, Edgar W. Law Clerk (Joshua A. Edwards)
Subject: RE: State v. Darius Ransom-Williams

That will work for me. I'll let Mark know.

From: Dickson, Edgar W. Law Clerk (Joshua A. Edwards) [REDACTED]
Sent: Wednesday, December 18, 2013 4:45 PM
To: Donald Sorenson
Subject: RE: State v. Darius Ransom-Williams

Should we say 10am?

With Kind Regards,
Josh Edwards

Joshua A. Edwards
Law Clerk, Hon. Edgar W. Dickson
First Judicial Circuit
P.O. Box 1949
Orangeburg, SC 29116
803-535-2187 (phone)
803-535-2188 (fax)

From: Donald Sorenson [REDACTED]
Sent: Wednesday, December 18, 2013 4:51 PM
To: Dickson, Edgar W. Law Clerk (Joshua A. Edwards)
Subject: RE: State v. Darius Ransom-Williams

Josh,
I spoke to Mark and I think we are both available on Friday, Jan. 3rd. Have you received anything from the Court of Appeals indicating exactly what we are supposed to be reconstructing? Also, was Judge Dickson able to get in touch with Harry Dot to see if she still had her shorthand notes?
Please let me know what time will work for the hearing.
Thanks,
Don

From: Dickson, Edgar W. Law Clerk (Joshua A. Edwards) [REDACTED]
Sent: Wednesday, December 18, 2013 4:09 PM
To: Donald Sorenson
Cc: Dickson, Edgar W. Secretary (Peggy Smith)
Subject: RE: State v. Darius Ransom-Williams

Don:

Judge Dickson wanted me to schedule a hearing to reconstruct the record in this case. Perhaps during the week of the 30th? On that Friday or a following Friday?

Will you forward to Mark and get back to me?

With Kind Regards,
Josh Edwards

Joshua A. Edwards
Law Clerk, Hon. Edgar W. Dickson
First Judicial Circuit
P.O. Box 1949
Orangeburg, SC 29116
803-535-2187 (phone)
803-535-2188 (fax)

From: Donald Sorenson [REDACTED]
Sent: Monday, December 02, 2013 11:40 AM
To: Dickson, Edgar W. Law Clerk (Joshua A. Edwards)
Subject: State v. Darius Ransom-Williams

Josh,
Please let Judge Dickson know that the trial I spoke with him about last week where we might have to reconstruct some of occurred July 16th through July 18, 2012. The defendant's name was Darius Ransom-Williams. Judge Dickson said he was going to check with Harry Dot to see if she still had her shorthand notes. I believe the parts that there were problems with involved a Batson hearing and both mine and Mark Wise's closing arguments.
Thanks,
Don

Donald N. Sorenson

Sr. Assistant Solicitor

First Judicial Circuit

December 18, 2013

Columbia
Direct Dial (803) 576-3718
sbias@richardsonplowden.com

The Honorable Edgar W. Dickson
Post Office Box 1949
Orangeburg, South Carolina 29116

Re: The State, Respondent vs. Darius Ransom-Williams, Appellant
C/A No.: 12-GS-38-0114; 0124
Appellate Case No. 2012-212566
Our File No.: 095-559

Dear Judge Dickson:

I represent Darius Ransom-Williams in his direct appeal to the South Carolina Court of Appeals following a jury trial held before your Honor on July 16-18, 2012. A jury found Mr. Ransom-Williams guilty of burglary in the first degree and assault and battery of a high and aggravated nature and your Honor sentenced him to 30 years imprisonment on the burglary and first degree charge and 20 years imprisonment on the assault and battery of a high and aggravated nature charge, both sentences to run concurrently.

In reviewing Mr. Ransom's trial transcript, it was discovered that several key portions of the transcript were missing. Mr. Ransom's previous appellate counsel, Melissa Fried, and Ms. Salley Elliott from the Attorney General's office attempted to find the missing tapes to complete the transcript, however they were unsuccessful and a Motion to Remand for Reconstruction was filed. As you can see from the attached Order, the Court of Appeals has granted Mr. Ransom's motion to recreate the portions of the record via a reconstruction hearing. The portions of the transcripts that are missing are what appears to be a Batson hearing based on jury selection, and both closing arguments by the State and Mr. Ransom's defense counsel. I have attached the portions of the transcript indicating those missing sections to this letter for your review as well.

Accordingly, per the Order from the Court of Appeals I am writing to you to coordinate scheduling such hearings as you deem appropriate to reconstruct both missing portions of the record. I have also copied the Solicitor and Public Defenders who tried this case on this letter so that they may be included in our correspondence and discussion regarding scheduling. Please let me know if there is anything that I can do to further facilitate the scheduling of a reconstruction hearing, or if there are any other documents that your Honor may need in preparing for the reconstruction hearing.

With kind regards, I am

Sincerely,

Sheila M. Bias

Sheila M. Bias

SMB/dfb

cc: Salley W. Elliott, Esquire
Donald N. Sorenson, Esquire
Mark Wise, Esquire
John Stroud, Esquire

bcc: Darius Ransom-Williams

CLOSING ARGUMENTS

1 (Alternate juror seated was Juror Number 169)

2 THE COURT: All right. Anything from the State re-
3 garding jury selection?

4 SOLICITOR: Beg the Court's indulgence?

5 THE COURT: Surely.

6 SOLICITOR: Nothing from the State.

7 THE COURT: Anything from Defense regarding jury se-
8 lection?

9 MR. STROUD: No, Your Honor.

10 THE COURT: All right, ladies and gentlemen who didn't
11 get picked, I see the disappointed looks on your faces,
12 and you all are now excused from jury service this week.

13 (Juror panel members not selected excused by the
14 Court)

15 THE COURT: Can I see you all for a moment?

16 (Colloquy at the bench between counsel and the Court off
17 the record)

18 THE COURT: Thank you all for being willing to serve,
19 ladies and gentlemen.

20 Now, my stomach is telling me it's lunch time, so we
21 are going to take a break for lunch. I need to tell you
22 all a couple of things before I let you leave for lunch.

23 The first thing is something I'm going to repeat
24 over and over through the trial, that you do not talk to
25 anyone about this trial. You can't even talk among

1 are the facts that have come from this witness stand from
2 the witnesses who have been presented.

3 Following these arguments by the attorneys, the
4 Judge will charge you on the law that would apply to the
5 case.

6 So this is the opportunity of the attorneys to talk
7 about the case, and that is kind of where we are, but
8 first I would like to talk to you briefly about the two
9 charges that have been made against the Defendant.

10 (Portion not audible)

11 So I'll start off by talking to you about burglary
12 in the first degree and what I believe the State has
13 proven to you.

14 Burglary in the first degree is the unlawful en-
15 tering into a person's home without their consent, with
16 intent to commit a crime therein, accompanied by circum-
17 stances of aggravation.

18 (TRANSCRIPTION NOTE: Closing arguments by both
19 counsel not audible or clear enough on cassette tape to
20 be transcribed.)

21

22

23

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25

1 THE COURT: Ladies and gentlemen, you have been very
2 attentive during the closing arguments, and I will ask
3 for your attention one last time as I go over the law
4 with you.

5 You all have heard all of the evidence in the case,
6 and it is now my duty to charge you on the law of this
7 case.

8 The Indictments charge the Defendant with attempted
9 murder and burglary in the first degree.

10 The fact that the Defendant was arrested, charged
11 and indicted in this case is not evidence and cannot be
12 considered by you as evidence of guilt, nor does it create
13 any presumption or inference of guilt.

14 The Indictments are simply the formal written instru-
15 ment which contain the charges made against the Defendant.
16 It is the formal documents by which the case is brought.

17 The Defendant has pled not guilty to these indict-
18 ments, and that puts the burden on the State to prove
19 the Defendant guilty beyond a reasonable doubt.

20 A person charged with committing a criminal offense
21 in South Carolina is never required to prove themselves
22 innocent.

23 I charge you that it is an important rule of law
24 that a defendant in a criminal trial, no matter how ser-
25 ious the charge, is always presumed to be innocent of

JURY SELECTION

1 the matter was continued with the jury panel present)

2 THE COURT: Do you swear or affirm that you will pro-
3 vide truthful and complete responses and answers in this
4 jury qualification process?

5 If you accept this oath, please indicated by saying I do
6 do.

7 (Answers heard of I do)

8 If you said I do, then you can sit down. Everybody
9 is sitting down. All right.

10 (Whereupon, the general qualification of jurors was
11 conducted by the Court)

12

13 (TRANSCRIPTION NOTE: Tape 3 from July 17, 2012, was
14 not in the record of this case which was packaged by the
15 Court Reporter and sent to Court Administration)

16 (The transcription will pick up from this point to
17 the beginning of tape four)

18

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1 THE COURT: I think the issue is I have to have a
2 race neutral reason.

3 MR. WISE: All right, so if I'm not striking someone
4 because they're a white male or because they're a black
5 male, and none of them are young or old, . . .

6 THE COURT: Okay, I just have to have a race neutral
7 reason. We're going to re-strike the jury, and I don't
8 need to hear any more.

9 You're fine, and we're going to re-strike the jury.

10 All right. We'll resume in twenty minutes.

11 SOLICITOR: Your Honor, I've got one other issue too
12 that I'd like to call to your attention.

13 THE COURT: Okay.

14 SOLICITOR: One of the jurors -- I can't tell you
15 exactly which one it was, but one of the jurors tried to
16 contact -- I'd like Ms. Ravenel to address it. I'd just
17 ask her to relate what she related to us.

18 THE COURT: Lieutenant Ravenel.

19 LT. RAVENEL: Your Honor, I observed one of the jurors
20 try to make contact with the mother back here.

21 THE COURT: Do you know which juror?

22 LT. RAVENEL: Not by name but I can pick her out.

23 THE COURT: Thank you. I need to talk to her, so if
24 you would do that. Okay.

25 (The Court speaking with juror)

1 THE COURT: Do you know Ms. Janet Williams?

2 JUROR: I don't know her.

3 THE COURT: You don't?

4 JUROR: No, sir.

5 THE COURT: The lady in the very back of the room
6 with the rose in her hair. Do you know her?

7 JUROR: I've seen her on the job. I know her to
8 speak to her.

9 THE COURT: Okay. Thank you, maam. I appreciate it.

10 What I will do is bring the jury panel back in here
11 which will take about -- how many minutes?

12 (Colloquy at the bench between counsel and the Court
13 off the record.

14 THE COURT: Bring the jury panel in.

15 (Jury panel brought into Courtroom)

16 THE COURT: I need to tell you that we've had what
17 I would refer to as a technical glitch, and so we have to
18 do this all over. This time we're going to do it right.

19 Madam Clerk?

20 (Whereupon, another jury was selected as follows:

21 Juror 14, seated

22 JUROR 164, seated

23 Juror 57, excused by the Defense

24 Juror 106, seated

25 Juror 116, excused by the Defense

1 Juror 47, seated
2 Juror 1, seated
3 Juror 181, excused by Defense
4 Juror 119, excused by Defense
5 Juror 147, seated
6 Juror 24, excused by Defendant
7 Juror 49, excused by the State
8 Juror 63, seated
9 Juror 105, excused by Defense
10 Juror 185, excused by Defense
11 Juror 52, excused by State
12 Juror 61, excused by State
13 Juror 6, excused by the Defense
14 Juror 16, seated
15 Juror 184, excused by Defense
16 Juror 113, seated
17 Juror 97, excused by State
18 Juror 121, excused by State
19 Juror 96, seated
20 Juror 55, seated
21 Juror 3, excused by Defense
22 Juror 111, seated)
23 THE COURT: All right, pick our first alternate.
24 (Alternate juror seated was Juror Number 2)
25 THE COURT: Pick our second alternate.