

South Carolina Court of Appeals, June 22, 2026
Jenny Abbott Kitchings, Clerk
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SC Court of Appeals

Mrs. Kitchings,

Could this transcript be added as
A part of my Appendix for my
brief, or Case for belated Appeal
or P.C.R. Appeal Writ of Certiorari.

Its the march 18, 2014 Grievance
hearing transcript to be added to the
Appendix.

Could you Also forward a Copy to
Appellate Defender Mr. Gary H. JOHNSON
Please for the record.

Thank you Considerably
Shawndell Q. McClinton

Shawndell Q. McClinton 255563
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STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSION

COUNTY OF CHARLESTON

2012-GS-10-02893

2012-GS-10-02892

STATE OF SOUTH CAROLINA)

-vs-

SHAWNDELL Q. McCLENTON,)

Defendant.)

TRANSCRIPT OF RECORD

March 18, 2014

Charleston, South Carolina

B E F O R E:

The Honorable Roger M. Young, Sr., Judge.

A P P E A R A N C E S:

Timmy Finch, Assistant Solicitor
Attorney for the State

Benjamin Lewis, Esquire

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Reported By:

Amanda Kelly Haffenden, RPR, CPR
Circuit Court Reporter for the
Ninth Judicial Circuit

1 (March 18, 2014.)

2 MR. FINCH: This is Shawndell McClenton. I
3 believe we're here on a grievance hearing set up just
4 this morning.

5 THE COURT: I don't do grievances, but this
6 would be a motion --

7 MR. LEWIS: I will provide some context as to
8 why we're here.

9 We are on the trial docket for this week.
10 After a previous hearing in front of Judge McDonald,
11 Mr. McClenton asked to have me relieved at that hearing.
12 That request was denied.

13 THE COURT: What's he charged with?

14 MR. LEWIS: Twenty-three charges.

15 THE COURT: Of what?

16 MR. LEWIS: Indecent exposure, burglary
17 first, B and E motor vehicles, CDV second, burglary
18 second, grand larceny, a series of B and E motor
19 vehicles, a series of grand larcenies, and some more B
20 and E motor vehicles.

21 The case that was on the trial docket -- do
22 you need the indictment numbers or the caption?

23 THE COURT: No.

24 MR. FINCH: I provided the caption to the
25 court reporter, however.

1 THE COURT: I guess I'm asking, why didn't we
2 deal with this at the roster meeting?

3 MR. LEWIS: I apologize for that, and, in
4 addition, the details of the grievance arose after that.

5 THE COURT: Didn't we just have a roster
6 meeting?

7 THE LAW CLERK: Yes. That was on Thursday,
8 but Ben wasn't here. He had a conference he was
9 attending, so another attorney stood in for him.

10 THE COURT: I thought you just said that it
11 arose?

12 MR. LEWIS: I just --

13 THE COURT: -- like Friday?

14 MR. LEWIS: Like, this week. I'm currently
15 working on the response to the grievance.

16 THE COURT: Okay.

17 MR. LEWIS: In addition to that, there was an
18 additional letter sent to my office that brought up
19 several of the issues he has with me.

20 THE COURT: Okay. Which are?

21 MR. LEWIS: That I'm hostile, vulgar; that
22 am forcing him into a plea; that I'm scaring him into
23 pleading; that I've not provided discovery; that I'm
24 unprofessional; that he fears for his life under the
25 representation of me; that his family fears for his

1 safety and wellbeing; that there's a conflict in the
2 office that has not been resolved; that I'm
3 negative, racist, biassed; and that I would trade him in
4 favor of a client represented by Mary Ford, a
5 codefendant, on some B and E motor vehicles.

6 These issues obviously would affect one's
7 ability to effectively represent my client. I did want
8 to say briefly, I know -- I'm not going to present this
9 to the Court. Again, I would like the record to reflect
10 that I'm handing a stack of paper to Mr. McClenton which
11 is all the discovery that I have in the case, or cases.

12 Because we were on the docket and because of
13 these sort of confusing beliefs that I'm dangerous to his
14 wellbeing, I thought it necessary to bring him before the
15 Court to allow the Court to see where we go from here..

16 THE COURT: I was told last week you're going
17 to trial, right?

18 MR. LEWIS: At some point.

19 THE COURT: That was the plan. You're going
20 to trial. You haven't worked out a plea, correct?

21 MR. LEWIS: That's correct, sir.

22 THE COURT: So you haven't sold him down the
23 river. You're going to trial, correct?

24 MR. LEWIS: That's -- yeah. That's the
25 posture that we're in right now.

1 THE COURT: Okay. All right. What would you
2 like to say?

3 THE DEFENDANT: I mean, he wasn't doing a
4 thorough investigation. He wasn't really working on my
5 behalf until after I made the complaints, and that's when
6 he started stepping up just last week to take specific
7 investigation into consideration that pertains to the
8 case, you know what I mean?

9 As far as going out to the crime scene,
10 viewing the crime scene, motions that I asked him to
11 file, my motion for discovery that I'm just now receiving
12 after I put in several requests for him to receive the
13 motion, he decided that it was better for him to write a
14 file summary up and give me what he wanted to give me
15 pertaining to my case.

16 I mean, if I don't have all the facts in my
17 case, why are you going to try to lead me into pleading
18 guilty if you don't know things I know about my case?

19 MR. LEWIS: I'm the third attorney assigned
20 to the case, so --

21 THE DEFENDANT: He's the third attorney
22 because the other two attorneys left the public
23 defender's office, not because they were terminated.

24 MR. LEWIS: That is correct.

25 THE COURT: I don't understand exactly what

1 it is that you're asking the Court to do at this point.
2 Last week you wanted to go to trial. You're going to
3 trial. What has he done to threaten you or put your
4 wellbeing into --

5 THE DEFENDANT: I mean, I wrote those letters
6 three weeks ago, and I just received a response. The
7 hearing that we had last week, I already stated that I
8 was going to trial. I didn't bring up the fact that I
9 wanted this hearing. He decided that he wanted to have
10 these matters cleared up before he wanted to go to trial.

11 THE COURT: You just filed a grievance.

12 THE DEFENDANT: Yeah, but I filed a grievance
13 two, three weeks ago, on the part that I haven't received
14 information, like rules of evidence in my case that was
15 pertaining to the case that would help me make decisions
16 on whether I'm going to go to trial or plead.

17 I didn't have the evidence pertaining to my
18 case, so how could he want me to plead guilty without me
19 having any evidence or paperwork in my case?

20 THE COURT: Have you given him everything?

21 MR. LEWIS: Yes, Your Honor, and in our
22 docketing system, it's a program called defender data. I
23 referenced that in my grievance response as well, that
24 said discovery was sent to Mr. McClenton on repeated days
25 on each of the different arrests by the attorneys that

1 represented him at that time, Cody Groeber, Victoria
2 Anderson, and finally me, about seven months ago.

3 MR. FINCH: Your Honor, if I may, the charges
4 the State would be proceeding against out of the 23
5 occurred in 2012, late January 2012. At that time, the
6 defendant was represented by Cody Groeber. Discovery was
7 handed over at that point in time. He was then
8 subsequently represented by Tori Anderson of the public
9 defender's office.

10 Again, Rule 5 was sent to the office at that
11 time, and so the State's supplied Rule 5 information at
12 least three times in this case.

13 THE COURT: What is the charge that he's
14 going to trial on?

15 MR. FINCH: Two counts of burglary first, one
16 count of breaking and entering a motor vehicle, one count
17 of grand larceny.

18 The State did offer to include all of his
19 charges in South Carolina a plea of 20 years, and that
20 would encompass everything. At the end of 20 years, he
21 would have no charges in South Carolina. That includes
22 charges in Dorchester County related to fleeing from the
23 Charleston charges.

24 He rejected that several times on the record.
25 We went over that last week. This is the first I've

1 heard of any of the grievance information. At this
2 point, candidly, with the Court, I'm concerned perhaps
3 about competency issues with Mr. McClenton at this stage,
4 but I'm not an expert in that field, by any stretch, but
5 he'll be going to trial on two burg seconds, B and E, and
6 grand larceny.

7 THE COURT: Do you have any reason to believe
8 that he's not competent to stand trial or to assist you?

9 MR. LEWIS: It's not a simple yes or no on
10 that, Judge. Once I read the specific statements filed,
11 not only relieving me but also Judge McDonald for having
12 not relieved me, specifically the, "I fear for my life
13 under the representation of this attorney," I think that
14 that's an issue that needs to be fleshed out.

15 He has talked about some mental health
16 issues, but in regards to communication, he's actually
17 very well-spoken, so from, This is what happened, this is
18 what happened, there is no competency concern, but there
19 are some other outlying mental health issues that are
20 certainly causing problems with my representation of him;
21 specifically the view that I'm a racist and
22 unprofessional, forcing him to do a plea, hostile,
23 vulgar, and his family and he both fear for his safety
24 under my representation.

25 THE COURT: Well, all of them, except that

1 last one, I don't think is actual mental competency.
2 It's just a belief he has. If he has some sort of
3 paranoid belief that you actually are a physical threat
4 to him, that's a different issue.

5 Are you of the belief that he is a physical
6 threat to you, like he's going to harm you? Is that what
7 you're saying, or do you just think that the fact that he
8 might not be doing a good job might cause you to end up
9 in prison?

10 THE DEFENDANT: At times I voiced that
11 opinion to him the other week when he came in to visit
12 me.

13 THE COURT: You didn't answer my question.

14 THE DEFENDANT: I said yes, at times. I said
15 I voiced that to him the other week when he came to visit
16 me.

17 THE COURT: You voiced what?

18 THE DEFENDANT: That I feel like he's a
19 threat of physical harm and I was scared --

20 THE COURT: You think he's going to
21 physically hit you?

22 THE DEFENDANT: I mean, like -- I mean -- I
23 mean, I don't feel comfortable around him most of the
24 time.

25 THE COURT: You just don't think he's a

1 competent lawyer. Do you actually think he's going to
2 physically hurt you?

3 THE DEFENDANT: I mean --

4 THE COURT: I mean, like beat you up with his
5 hands?

6 THE DEFENDANT: No. I don't feel like he's
7 going to physically beat me up with his hands.

8 THE COURT: Well, when you say something like
9 he's a threat to me and my family, that's one possible
10 way to interpret that. That's what I'm trying to get at.
11 Do you think he is a threat to beat you up or stab you or
12 shoot you or do something along those lines?

13 THE DEFENDANT: No. I don't think he's a
14 physical threat in that sense.

15 THE COURT: In what sense do you think he's a
16 threat to you?

17 THE DEFENDANT: I mean, you know, I can't
18 really explain how to voice that opinion -- voice it
19 right now.

20 THE COURT: Do you think he's a threat to you
21 in the sense that if he doesn't do a good job you'll go
22 to jail for a long time?

23 THE DEFENDANT: I mean -- yeah, that's part
24 of it.

25 THE COURT: What's the other part?

1 THE DEFENDANT: I just don't trust him. I
2 feel like he's a -- he's a very hostile person. When I
3 talk to him and stuff like that, it's always very hostile
4 and aggressive. He's very aggressive, you know what I'm
5 saying? I don't talk to him like that.

6 THE COURT: Well, you know, sometimes people
7 have personality differences with people, you know. I
8 sometimes come off as gruff and abrasive to some people,
9 and other people think I'm not aggressive enough. It
10 just depends on what the recipient of the other side of
11 the conversation is with somebody.

12 So it just might be that your personality is
13 different than his. I've been around Mr. Lewis for a
14 long time now, and I've never had anybody suggest that he
15 was overly aggressive.

16 You get people that complain about probably
17 every lawyer in the public defender's office to say,
18 well, they don't spend enough time working on my case,
19 and I don't ever get to see them. Well, you know,
20 they're overworked and they're stressed and they have a
21 lot of clients, and every single client at that jail
22 thinks that their lawyer should be working on their case
23 more than they are. That's just the nature of being
24 arrested and awaiting trial.

25 Every lawyer, whether they work for the

1 public defender's office or they're in the private bar,
2 has the same problem with clients. Every lawyer that I
3 know of has more than one client if they're doing
4 criminal work. They couldn't afford to keep the doors
5 open. Even if they were private lawyers, they couldn't
6 afford to keep the doors open if they only had one client
7 and they spent all of their time working on one file.

8 So you have to prioritize things, and he has
9 a bunch of clients, and every week, each of those other
10 cases gets closer to trial, just like yours, and so you
11 have to budget your time and work on the ones that are
12 closest to trial.

13 That's just the way the world works. He
14 can't spend all of his time working on a case that may
15 come up for trial six months from now when he's got one
16 that the judges said, like I did last week, this case,

17 your case, is very likely to get reached for trial this
18 week. That suddenly becomes priority number one. That's
19 just the way the world works.

20 So you haven't really told me anything that's
21 out of the ordinary. From what I understand, as they've
22 gotten discovery all along, they have given it to you.
23 You got a lot of charges, and you stand to look -- I
24 mean, based on what I told you, you could probably very
25 easily spend the rest of your life in prison if you got

1 convicted on all of them if the judge ran them
2 consecutively.

3 He's trying to work out a deal that probably
4 you just wish was a better deal, because what I hear the
5 State saying is they're offering you 20 years in prison.
6 Well, I wouldn't want to do 20 years in prison, but 20
7 years is better than life, and you got 23 outstanding
8 charges. If you got convicted on them, all of them, you
9 very likely would spend the rest of your life in prison.

10 So it may be just Mr. Lewis is telling you
11 something that you don't want to hear, so that's also
12 just reality. I haven't heard anything that suggests to
13 me that he isn't doing anything other than what a good
14 lawyer does, and I have seen him try cases. I've seen
15 him do pleas. I would be glad to have him represent me
16 if I were in your shoes, and I have no reason to think

17 that anybody in the private bar would do a better job
18 than he is doing, so I will deny your request for a new
19 trial, and I would suggest that y'all spend some time
20 together here getting ready for that trial.

21 Good luck.

22 - - -

23 (Whereupon, the proceedings were concluded.)

24 - - -

25

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