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Jul 23 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of General Sessions

The Honorable William McKinnon

Appellate Case No. 2025-001272

The State,

Respondent,

v.

Kevin R. Alexander, Jr.

Appellant.

**MOTION TO REMAND FOR RECONSTRUCTION OF
APPELLANT'S TRIAL**

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, the undersigned Counsel for Appellant respectfully moves this Court for an order remanding this case to the trial judge in York County General Sessions Court for reconstruction of Appellant's bench trial. Specifically, Counsel provides the following reasons to remand for reconstruction of the trial:

- (1) On June 16–18, and 20, 2025, Appellant proceeded to a *bench* trial before the Honorable William A. McKinnon. Christopher A. Wellborn represented Appellant, and Assistant Solicitors Austin Smith and Matthew Hogge prosecuted the case on behalf of the State. Judge McKinnon found Appellant guilty of Trafficking Ecstasy, 1000 dosage units or more, and imposed a sentence of twenty-five (25) years imprisonment.
- (2) This trial was recorded by the Digital Court Reporter Project (DCRP).

(3) The subcontractor Legal Eagle was assigned to transcribe the audio recordings.

(4) Based on Counsel's *prior* review of the transcripts, Counsel is *missing* the pre-trial proceeding that occurred on June 16, 2025, and a significant number of missing portions within the received transcripts from June 17–18, and 20, listed as “inaudible” and “unintelligible”.

(5) On June 1, 2026, Counsel *re-requested* the transcript of the proceeding for June 16, 2025, that was not provided despite the previous request.

(6) On the same day, Mr. Dehlinger, Director of Operations at Legal Eagle, responded, “It looks like Legal Eagle was assigned the 17th, 18th, and 20th. Either there was no testimony on the 16th and 19th, or those days were done by the actual court reporters. I will have to defer to the SCJB for clarification on that point. Please let us know if you have any questions. Thank you.”

(7) On June 3, 2026, Counsel filed a motion to hold appeal in abeyance pending receipt of additional transcript and for formal transcript challenge.

(8) On June 23, 2026, this Court issued an Order granting Appellant's request to hold the appeal in abeyance pending receipt of the additional transcript and corrected trial transcript.

(9) On June 29, 2026, Counsel received the *corrected* trial transcripts for June 17–18, and 20, but has *not* received a transcript for June 16, 2025. *See* (Attachment A).

(10) Today, Counsel was notified via email by Mr. Dehlinger of Legal Eagle regarding the status of the transcript request for June 16, 2025: “The audio we received today is unusable/corrupted. At this point, the SCJB is searching for audio that is transcribable for the 16th. As soon as we are updated, we will let you know.” *See* (Attachment A).

(11) Notably, the missing transcript for June 16, 2025, and other missing portions of the trial are related to the issues that will be raised in this appeal, and the absence of critical portions of the trial prevents meaningful appellate review.

(12) Specifically, Counsel intends to raise issues related to Appellant's motions for suppression of evidence, chain of custody, and motion for a directed verdict of acquittal, and an accurate record of the missing testimony, arguments, and rulings needed to file Appellant's appeal and for meaningful appellate review by this Court.

(13) It appears that the audio recording for the proceeding on June 16, 2025, is "unusable/corrupted" and not currently available for transcription.

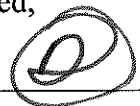
(14) In the *corrected* transcript dated June 17, 2025, it appears that the word "inaudible" is listed approximately six (6) times and the word "unintelligible" is listed approximately sixteen (16) times.

(15) In the *corrected* transcript dated June 18, 2025, it appears that the word "inaudible" is listed approximately four (4) times and the word "unintelligible" is listed approximately one (1) time.

(16) In the *corrected* transcript dated June 20, 2025, it appears the word "inaudible" is listed approximately five (5) times.

THEREFORE, the undersigned Counsel respectfully requests an Order from this Court remanding this case to the trial court for reconstruction of Appellant's June 16-18, and 20, 2025, trial.

Respectfully Submitted,

s/ Dayne C. Phillips 
Dayne C. Phillips, Esq.
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July 23, 2026

ATTACHMENT

A

 PRICE BENOWITZ LLP

Dayne Phillips <dayne@pricebenowitz.com>

State v. Kevin Alexander Transcripts

Kevin Dehlinger <kdehlinger@legaleagleinc.com>

Thu, Jul 23, 2026 at 11:59 AM

To: Dayne Phillips <dayne@pricebenowitz.com>

Cc: "Holmes, Tammie" <tholmes@sccourts.org>, Courtney Powers <courtney@pricebenowitz.com>, Transcripts <transcripts@sccourts.org>, "Clio Maildrop Alexander.Kevin.2025.10.00001" <800ca9c17+matter1836244925@maildrop.clio.com>

Dayne,

The audio we received today is unusable/corrupted. At this point, the SCJB is searching for audio that is transcribable for the 16th. As soon as we are updated, we will let you know. Thank you.

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APPEAL FROM YORK COUNTY
Court of General Sessions

William McKinnon, Circuit Court Judge

Appellate Case No. 2025-001272

The State of South Carolina,

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Appellant.

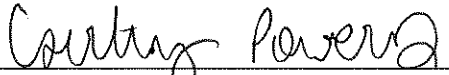
CERTIFICATE OF SERVICE

The undersigned Counsel certifies that a true copy of the Motion to Remand for Reconstruction of Appellant's Trial has been served upon **Mark Farthing, Esquire**, by email and at S.C. Attorney General's Office, PO Box 11549, Columbia, SC 29211, on **July 23, 2026**.



Dayne Phillips
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(803) 807-0234
Attorney for Appellant

SUBSCRIBED AND SWORN TO before me
this 23rd day of July, 2026.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: May 2, 2027.