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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Richland County

Honorable Milton Kimpson, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

NATHAN GILES THOMAS,

APPELLANT.

APPELLATE CASE NO. 2026-000216

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MOTION FOR ABEYANCE PENDING RECEIPT OF CORRECTED TRIAL TRANSCRIPT

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Pursuant to Rule 240 of the South Carolina Appellate Court Rules, undersigned counsel requests an order holding this appeal in abeyance pending receipt of a corrected trial transcript.

The April 2023 term of the Richland County grand jury indicted Appellant for the offenses of murder (2023-GS-40-01409) and possession of a weapon during the commission of a violent crime (2023-GS-40-01410). On January 17, 2024, Appellant proceeded to a hearing on his motion for immunity pursuant to the Protection of Persons and Property Act before the Honorable Daniel McLeod Coble. Judge Coble took the matter under advisement. On August 17, 2024, Judge Coble denied Appellant immunity from prosecution by written Order.

On January 12, 2026, Appellant proceeded to a jury trial before the Honorable Milton Kimpson. Appellant was represented by Justin M. Kata; the state was represented by assistant solicitors Theresa N. Johns and Morgan L. Monroe. On January 16, 2026, the jury found Appellant guilty of the lesser-included offense of voluntary manslaughter and guilty of the weapons charge. Judge Kimpson sentenced Appellant to twenty-five (25) years' incarceration as to voluntary manslaughter and five (5) years as to the weapons charge, to run concurrently. Appellant has been unable to obtain a true and complete transcript of this trial, as will be discussed below.

This case was assigned to South Carolina Court Reporter Lisa Amick but was transcribed by transcriber Aron Feldstein of subcontractor Legal Eagle<sup>1</sup>. The first 575-page transcript, delivered on or about July 13, 2026, lacked any transcription of jury selection, contained 274 instances of "indiscernible" testimony, two (2) instances of "inaudible" testimony, thirty-five (35) instances of "crosstalk," and lacked timestamps throughout the proceedings, including for jury movements and deliberations. On August 20, 2026, Appellate Defense initiated a challenge of the trial transcript. Ex. A (Emails with Legal Eagle).

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

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<sup>1</sup> 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>

when a transcript has been lost or destroyed, an appellate court may remand to have the record reconstructed).

The absence of jury selection, combined with 274 instances of “indiscernible” testimony, two (2) instances of “inaudible” testimony, thirty-five (35) instances of “crosstalk” throughout the transcript and the absence of timestamps throughout the proceedings, including for jury movements and deliberations, prevents a meaningful appellate review absent an accurate record of the missing pleadings and testimony and acknowledgement of the factual and legal basis for issues surrounding the same. In the transcript’s current state, there is no opportunity for meaningful appellate review.

WHEREFORE, Appellant requests an order holding the present appeal in abeyance pending receipt of the revised trial transcript from Court Administration. While this motion is pending, Appellant asks this Court to hold the timelines for filing his initial brief of appellant and designation of matter in abeyance.

Respectfully submitted,

  
Molly M. Keegan  
Appellate Defender

ATTORNEY FOR APPELLANT

This 4<sup>th</sup> day of September, 2026.

# EXHIBIT A

## **Warren, Kaylynn**

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**From:** Keegan, Molly  
**Sent:** Thursday, September 3, 2026 9:34 AM  
**To:** Warren, Kaylynn  
**Subject:** Fw: [External] State v Nathan Thomas

### **Molly Keegan**

Appellate Defender  
SC Commission on Indigent Defense  
1330 Lady St., Suite 401  
Columbia, SC 29201  
Office: 803.734.1330

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**From:** Kevin Dehlinger <kdehlinger@LegalEagleInc.com>  
**Sent:** Thursday, August 20, 2026 1:36 PM  
**To:** White, Della <dwhite@sccid.sc.gov>  
**Cc:** Alexandria Garraud <agarraud@LegalEagleInc.com>; Keegan, Molly <mkeegan@sccid.sc.gov>; Stock, Chris <cstock@sccid.sc.gov>  
**Subject:** RE: [External] State v Nathan Thomas

Della,

We will get our Team on this one as soon as possible. Thank you.



**Kevin Dehlinger**

**Director of Operations**

T: 864.467.1373 | M: 864.444.4219

E: [kdehlinger@legaleagleinc.com](mailto:kdehlinger@legaleagleinc.com) | [www.legaleagleinc.com/](http://www.legaleagleinc.com/)  
107 LeGrand Blvd., Greenville, SC | 29607



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**From:** White, Della <dwhite@sccid.sc.gov>  
**Sent:** Thursday, August 20, 2026 12:14 PM  
**To:** Kevin Dehlinger <kdehlinger@LegalEagleInc.com>  
**Cc:** Alexandria Garraud <agarraud@LegalEagleInc.com>; Keegan, Molly <mkeegan@sccid.sc.gov>; Stock, Chris <cstock@sccid.sc.gov>  
**Subject:** RE: [External] State v Nathan Thomas

Hey Kevin,

Would you mind revisiting the closing arguments and Mr. Thomas's testimony, as those seemed to have the highest concentration of indiscernible instances in this transcript. Also, can you see if there was audio for jury selection. We have jury qualification and later the jury being sworn in the transcript, but we are not seeing the jury actually being selected.

Just for reference the transcript has 274 instances of indiscernible, 2 instances of inaudible, and 35 instances of crosstalk.

You sent this last month, and we thought we reached out to you then regarding this transcript, but it appears that we did not. Sorry for the delay.

We appreciate ALL your help always!

Thank you,

Della

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**From:** Kevin Dehlinger <kdehlinger@LegalEagleInc.com>  
**Sent:** Monday, July 13, 2026 4:23 PM  
**To:** White, Della <dwhite@sccid.sc.gov>  
**Cc:** Alexandria Garraud <agarraud@LegalEagleInc.com>  
**Subject:** [External] State v Nathan Thomas

Della,

Attached are the form, invoice, and transcript for this trial. There are some significant notes we need you to communicate to the attorneys. Please see below:

- All audio files were WAV files. There were no videos or logs associated with this trial due to the file type.
- Notes from the court reporter were limited and only contain some of the timestamps necessary. Jury and court movement timestamps were largely ignored by the court reporter.
- Ms. John's moves throughout the court room away from the microphones making her audio difficult at times, especially during the closing argument.
- We have listened to the indiscernibles and inaudibles twice.
- We have requested all notes from the court reporter. According to the court reporter all notes have been provided.

Unfortunately, we are falling victim to the quality of the audio and notes taken. If there is anything you would like for us to take a second look at, we are happy to do so. Thank you.



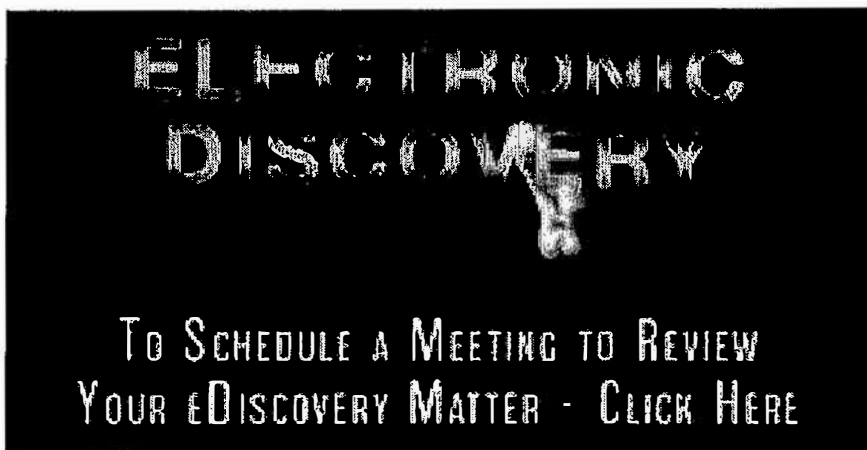
**Kevin Dehlinger**

**Director of Operations**

T: 864.467.1373 | M: 864.444.4219

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THE STATE,

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CERTIFICATE OF SERVICE

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Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion to Hold in Abeyance Pending Receipt of the Corrected Trial Transcript in the above-referenced case has been served upon Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 4<sup>TH</sup> day of September, 2026.

  
\_\_\_\_\_  
Molly M. Keegan  
Appellate Defender

ATTORNEY FOR APPELLANT

**RECEIVED**  
**Sep 04 2026**  
**SC Court of Appeals**

**2026-00216 The State v. Nathan Giles Thomas**

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**From** Walkup, Catherine <cwalkup@sccid.sc.gov>

**Date** Fri 9/4/2026 8:52 AM

**To** mfarthing@scag.gov <mfarthing@scag.gov>

**Cc** Keegan, Molly <mkeegan@sccid.sc.gov>; gracesommer@scag.gov <gracesommer@scag.gov>; Stock, Chris <cstock@sccid.sc.gov>

 1 attachment (604 KB)

2026-00216 The State v. Nathan Giles Thomas Motion for Abeyance Pending Receipt of Corrected Trial Transcript.pdf;

Good morning,

Attached for service in the above-referenced case is the Motion for Abeyance Pending Receipt of Corrected Trial Transcript which will be filed today September 4<sup>th</sup> with the Court of Appeals via email filing.

Respectfully,

Catherine Walkup, Administrative Assistant

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