

ORIGINAL

RECEIVED

APR 17 2014

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

R. Knox McMahon, Circuit Court Judge

STATE OF SOUTH CAROLINA

RESPONDENT,

V.

DAQWAN MARQUELL JOHNSON,

APPELLANT,

Appellate Case No. 2012-212696

RETURN TO MOTION TO HOLD TIME LIMITS FOR FILING INITIAL BRIEF OF  
RESPONDENT AND DESIGNATION OF MATTER IN ABEYENCE UNTIL APPELLANT  
PROVIDES A COMPLETE RECORD OF TRANSCRIPTS IN THE CASE

1) Appellant was indicted by the Richland County Grand Jury for the offenses of murder and attempted murder. His case came on for trial on July 26, 2012, July 30, 2012–August 3, 2012, and August 8, 2012 before the Honorable R. Knox McMahon, and a jury. Appellant was represented by Greg Collins and John Newton. K. Luck Campbell, Meghan Walker, and Jeremiah Shellenberg, II were the assistant solicitors. Tr. 1.

2) At the conclusion of the trial the jury found appellant guilty on both counts. Tr. 999, 1. 18 – 1000, 1. 3. Judge McMahon sentenced appellant to fifty years imprisonment for murder and

thirty years imprisonment for attempted murder. Tr. 1013, ll. 16-23.

2) Undersigned counsel filed the initial brief of appellant and designation of matter on October 23, 2013 with this Court.

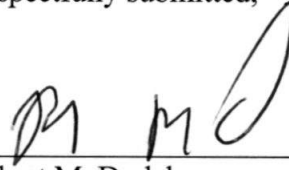
3) Respondent filed a motion to hold the time limits in abeyance on April 7, 2014. Respondent asserted that is apparent from the transcripts that this case was originally called for trial on May 21, 2012 but appellant was granted a continuance at that time. An issue was also raised involving obtaining appellant's DNA. The DNA evidence apparently was not later proved to not be probative.

4) Respondent also maintained that the transcript shows defense counsel maintained that the transcript of the May 21, 2012 hearing had been transcribed. Apparently respondent has been informed by the office of defense counsel and the solicitor's office that they do not have this May 21, 2012 transcript in their possession.

5) Since respondent maintains as an officer of the court that this transcript is necessary for a full considered disposition of the present appeal appellant has ordered a copy of the transcript from the court reporter as evidenced by Exhibit A attached to this Return.

WHEREFORE, undersigned counsel does not oppose respondent's motion to hold the time limits in abeyance pending receipt of this *existing* May 21, 2012 transcript. If the transcript has not been transcribed appellant respectfully requests the right to revisit the non-opposition to respondent's motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R M Dudek', written over a horizontal line.

Robert M. Dudek  
Chief Appellate Defender

April 17, 2014

# Exhibit A



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332  
Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

April 14, 2014

Ms. Daphne D. Helms  
Circuit Court Reporter  
556 Heron Glen Drive  
Columbia, SC 29229

Dear Ms. Helms:

Please provide us with the following transcript:

The State v. Daqwan M. Johnson, Appellate Case      Case #:                      11-GS-40-00863, 00885  
No. 2012-212696

County: Richland                                      Date of Trial: May 21, 2012 (Mtn for Continuance)

Presiding Judge: R. Knox McMahon

Pursuant to the SC Court Reporter's Manual, please number the lines on the paper from 1-25, and include any and all recorded motions, pre and post-trial. Consecutive numbering of pages must be used throughout all volumes regardless of the number of volumes involved. Additionally, please transcribe the **jury selection**, and the State and defense counsel's **opening and closing arguments**, and include the **jury strike sheet**. Please be sure to include **Headers** and a **complete index** including a **listing of exhibits**.

We are aware that this transcript is already in existence, however, we have not been able to obtain a copy of the transcript from the trial attorney or solicitor.

To ensure prompt payment, please sign and complete the enclosed CID FORM 3500 and include the original criminal case number (Indictment number) where the space is provided.

Sincerely,

Kimberly McCall  
Administrative Coordinator

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Richland County  
R. Knox McMahon, Circuit Court Judge  
\_\_\_\_\_

**RECEIVED**

APR 17 2014

**SC Court of Appeals**

STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

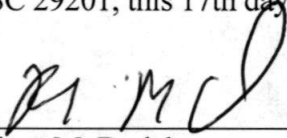
DAQWAN MARQUELL JOHNSON,

APPELLANT,

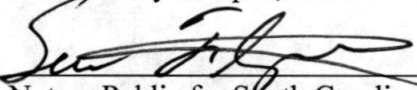
Appellate Case No. 2012-212696

\_\_\_\_\_  
CERTIFICATE OF SERVICE  
\_\_\_\_\_

The undersigned attorney hereby certifies that a true copy of the Return to the motion to hold time limits for filing initial brief of respondent and designation of matter in abeyance until appellant provides a complete record of transcripts in the case in the above-referenced case has been served upon opposing counsel, William E. Salter, III, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 17th day of April, 2014.

  
\_\_\_\_\_  
Robert M. Dudek  
Chief Appellate Defender

SUBSCRIBED AND SWORN TO before me  
this 17th day of April, 2014.

  
\_\_\_\_\_  
(L.S.)  
Notary Public for South Carolina  
My Commission Expires: October 30, 2022.

ORIGINAL



**SCCID**

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332  
Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

**RECEIVED**

APR 17 2014

**SC Court of Appeals**

April 17, 2014

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

Re: The State v. Daqwan Marquell Johnson, Appellate Case No. 2012-212696

Dear Ms. Kitchings:

Enclosed please find an original and six copies of the return to the motion to hold time limits for filing initial brief of respondent and designation of matter in abeyance until appellant provides a complete record of transcripts in the case.

Sincerely,

Robert M. Dudek  
Chief Appellate Defender

RMD/smf

Enclosure

cc: William E. Salter, III  
Daqwan Marquell Johnson, #351891