

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Greenville County

Honorable Edward W. Miller, Circuit Court Judge

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MICHAEL ANTONIO WILLIAMS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

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MOTION TO REMAND FOR A  
RECONSTRUCTION OF THE COMPLETE RECORD

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The above named appellant, through his undersigned counsel, would respectfully move this Court for a remand to the Greenville County Court of General Sessions for a reconstruction of the record of the closing arguments held in appellant's trial. This motion is made pursuant to China v. Parrott, 251 S.C. 329, 162 S.E.2d 276 (1968); and State v. Ladson, 373 S.C. 320, 644 S.E.2d 271 (Ct. App. 2007). In support of this motion, counsel would respectfully show the Court:

1. Appellant stood trial along with three co-defendants on January 7-11, 2013 before the Honorable Edward W. Miller and a jury. Appellant was convicted of seven counts of attempted murder, one count of conspiracy, and one count of assault and battery by a mob second degree.

2. A notice of appeal was filed January 14, 2013 with the South Carolina Court of Appeals. The Division of Appellate Defense of the South Carolina Commission on Indigent Defense was appointed to handle Appellant Williams' appeal, and the appeals of his three co-defendants.

3. Upon receipt of the trial transcript, the four appellate attorneys learned that the closing arguments could not be transcribed due to an equipment malfunction. Exhibit A. Court reporter's letter.

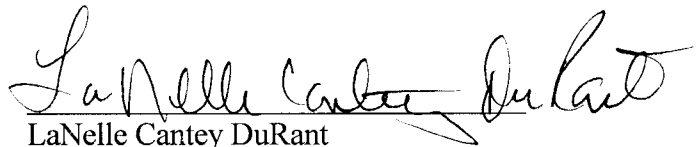
4. In identifying meritorious issues for appellate review, appellate counsel believes the closing arguments are necessary in order for Appellant Williams to have a meaningful, fair and complete appeal. This is true because there is no way to know if there were objections to the closing arguments, and if any comments were made on meritorious issues that may be raised. There is no way to know if any prejudicial comments were made.

5. In China v. Parrott, 251 S.C. 329, 162 S.E.2d 276 (1968), the South Carolina Supreme Court held that where there is a disagreement as to what the record on appeal should contain, the duty and responsibility of settling the question rests upon the trial judge. In that case, portions of the stenographic notes of the trial from the court reporter were lost before transcribed. The trial judge relied on affidavits submitted by the court reporter and counsel in determining what transpired. The Supreme Court held that the trial judge had no independent recollection of the incident so he correctly relied on the affidavits submitted.

6. In the event this Court grants this Motion to Reconstruct, Appellant requests that his motion be consolidated with that of his Co-defendants Esaiveus Booker and Raymond Young for the purpose of the reconstruction hearing.

WHEREFORE, Appellant respectfully requests that his case be remanded to the Greenville County Court of General Sessions for a reconstruction of the record of appellant's closing arguments. Counsel further requests that the appeal be held in abeyance pending the outcome of this motion.

Respectfully submitted,

  
LaNelle Cantey DuRant  
Appellate Defender

Attorney for Petitioner

This 4<sup>th</sup> day of September, 2014

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Edward W. Miller, Circuit Court Judge

**RECEIVED**

SEP 04 2014

MICHAEL ANTONIO WILLIAMS,

**SC Court of Appeals**

PETITIONER,

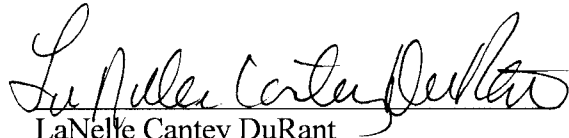
V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

CERTIFICATE OF SERVICE

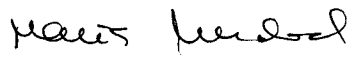
The undersigned attorney hereby certifies that a true copy of the Motion To Remand For a Reconstruction of the Complete Record in the above referenced case has been served upon opposing counsel, Salley W. Elliott, Esquire and Michael Antonio Williams, #353957 at Broad River Correctional Institution, 4460 Broad River Road, Columbia, SC 29210, this 4<sup>th</sup> day of September, 2014.



LaNelle Cantey DuRant  
Appellate Defender

Attorney for Petitioner

SUBSCRIBED AND SWORN TO before me  
this 4<sup>th</sup> day of September, 2014.

 (L.S.)

Notary Public for South Carolina  
My Commission Expires: July 3, 2023.

# **Exhibit A**

*Caroline Hiskell*

32 Duxbury Lane  
Easley, South Carolina 29642  
[Chiskell@sccourts.org](mailto:Chiskell@sccourts.org)

April 2, 2012

SCCID  
1330 Lady Street, Ste 401  
Columbia, SC 29201

*State versus Williams, Booker, Young, Sadler*

*Dear Ms. McCall;*

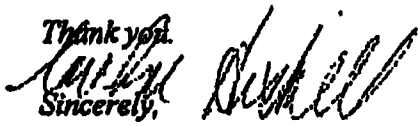
*I am in receipt of your letter April 2, 2014 concerning the above transcript delivered to your office . Due to the complicated and convoluted nature of this trial, multiple rough drafts were created with different files in an attempt to decipher the problems and difficulties with certain witnesses A rough draft was inadvertently hand-delivered.*

*Since I am now aware, the final version is being printed and will be mailed in totality Friday morning, April 4, 2014 beginning with Page 1, Day 1, with all the parts listed in your letter with the exception of the closing argument. It will be mailed certified, overnight express, signature required. As stated in the transcript, there was equipment malfunction and the closing argument can not be transcribed. I apologize for the inconvenience.*

*Thank you.*

*Sincerely,*

*Caroline Hiskell*





# 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

September 4, 2014

**RECEIVED**

SEP 04 2014

**SC Court of Appeals**

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

Re: The State v. Michael Antonio Williams

Dear Ms. Kitchings:

Enclosed are an original and six copies of the Motion To Remand For a Reconstruction of The Complete Record in the above-captioned case. Thank you for your assistance in this matter.

Sincerely,

LaNelle Cantey DuRant  
Appellate Defender

LCD/mpm

Enclosure

cc: Salley W. Elliott, Esquire  
Mr. Michael Antonio Williams, #353957