

P. O. Box 562  
CHAPIN, SOUTH CAROLINA 29036

February 20, 2013

Montavius Gaines #323168  
MCCL F-3-284  
386 Redemption Way  
McCormick, SC 29899

In re: Transcript request, Lexington County, Nov. 5,  
2011; PCR

Dear Mr. Gaines:

I have your letter requesting a transcript from a post-conviction relief proceeding you say was held on Feb. 5, 2011, Lexington County, SC.

My files read that there was a hearing for you on Friday, February 4, 2011. February 5 was a Saturday and I was not in court on Saturday.

The courtroom worksheet says your post-conviction relief hearing was continued that day. Do you want the cost of the hearing where it was continued? That would be approximately \$40.00, plus postage, because it was a very short hearing.

If this is the hearing you want, please send your certified check or money order to Rema K. Thomas, P. O. Box 562, Chapin, SC 29036. Court reporters are allowed 60 days to deliver a transcript after the funds have been received.

Very truly yours,

REMA GANTT THOMAS

CC: Desiree Allen  
S. C. Court Admin.





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## E X H I B I T S

THERE WERE NO EXHIBITS MARKED TO THIS HEARING.

1 (The defendant, together  
2 with counsel, was personally present in the  
3 courtroom.)

4 MR. LEE: May it please the Court?

5 THE COURT: Yes, sir.

6 MR. LEE: This is Montavis Gaines versus  
7 the State of South Carolina, 2009-CP-41-0176. It  
8 comes to the Court by way of application for post-  
9 conviction relief filed November 6, 2009. At this  
10 time, the State does have another motion to continue  
11 in this case based on the fact that the witness for  
12 this case is also Mr. Mike Ellisor, who, as I stated  
13 previously on the record, is in very poor health due  
14 to having suffered a stroke within the past several  
15 months.

16 So I found out that he's not going to be  
17 able to be here this morning. At this time, the  
18 State would move for a continuance on that basis,  
19 Your Honor.

20 MR. GLEISSNER: Your Honor, I'm Rick  
21 Gleissner. I'm here on behalf of Montavis Gaines.  
22 I just finished consulting with my client, and we're  
23 going to consent to the continuance.

24 THE COURT: Thank you very much, counsel.  
25 I'll just do a Form 4 order on that. And thank you

1 very much for agreeing.

2 MR. GLEISSNER: Your Honor, as part of  
3 this process, I made a motion for discovery as part  
4 of the PCR --

5 THE COURT: What type of discovery? Do  
6 you want depositions?

7 MR. GLEISSNER: No, Your Honor. I just  
8 want interrogatories and requests to produce. One  
9 of the central issues in this case is whether or not  
10 there was a deal struck between the police and a co-  
11 defendant, a fellow by the name of Jerome Rhodes.

12 THE COURT: Okay.

13 MR. GLEISSNER: And, Your Honor, I'd like  
14 to find out who were the people involved in the  
15 investigation associated with Mr. Rhodes. We  
16 believe that there's testimony that there was a  
17 deal, an informal deal, struck with Mr. Rhodes  
18 before he testified. And that's the direction of  
19 the discovery. So if I could get discovery along  
20 those lines, just interrogatories and requests to  
21 produce, and maybe requests to admit, that might  
22 speed the --

23 THE COURT: Process.

24 MR. GLEISSNER: -- eventual trial, Your  
25 Honor, if that's okay.

1 THE COURT: What's your position on that,  
2 Mr. Lee?

3 MR. LEE: The State has no opposition to  
4 their request for discovery.

5 THE COURT: We've got your motion for  
6 discovery on that basis for interrogatories and  
7 requests for production. Is that what you're asking  
8 for?

9 MR. GLEISSNER: Just for discovery, that's  
10 correct, Your Honor, and maybe requests to admit.  
11 When you're requesting, you can always speed things  
12 along when you get them -- okay, when they're not  
13 denied, yes.

14 THE COURT: All right, we can do that.  
15 We'll do a Form 4 order on both of those.

16 MR. GLEISSNER: Fantastic, Your Honor.  
17 Thank you so much.

18 MR. LEE: Thank you, Your Honor.

19 --End of Transcript of Record--


STATE OF SOUTH CAROLINA )  
COUNTY OF LEXINGTON )

COURT REPORTER'S CERTIFICATION

I, REMA K. GANTT THOMAS, OFFICIAL COURT REPORTER, AND NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE ABOVE-CAPTIONED CASE ON FEBRUARY 4, 2011, IN LEXINGTON, SOUTH CAROLINA.

I FURTHER CERTIFY THAT I AM NEITHER OF COUNSEL NOR KIN TO ANY OF THE PARTIES TO THIS CAUSE OF ACTION, NOR AM I INTERESTED IN ANY MANNER IN ITS OUTCOME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL AT LEXINGTON, SOUTH CAROLINA, THIS THE TENTH DAY OF JUNE, 2013.

  
REMA K. GANTT THOMAS  
OFFICIAL COURT REPORTER  
NOTARY PUBLIC FOR SOUTH CAROLINA  
MY COMMISSION EXPIRES 11/21/2013