

December 30, 2014

RECEIVED
JAN 02 2015
SC Court of Appeals

Desiree Allen
South Carolina Court Administration
1015 Sumter Street Suite 200
Columbia, SC 29201

RE: Amanda Lawrence and Trident United Way et Al, Respondent, v. Karen Oliver, Appellant,
Case No. 2012-CP-10-8135

Dear Ms. Desiree Allen:

Please be advised of the attached letter received from your court reporter, Mona Manley. She continues to provide no meaningful response and has directed me to provide any further inquiry to your agency - Attachment 1. I am seriously disappointed with the attempt to “**usurp**” the powers of the courts and one’s Civil Rights by way of misuse of transcripts. I have asked for assistance in specific areas (Challenges made) which remains due to the **unreliability** of the initial transcript. To no avail have I gotten my Challenges resolved or even regarded with respect to the obvious solution – a review of the video, audio and stenographer’s notes by all parties involved. Due to the lack of cooperation of the court reporter this is the most equitable solution. Even the opposing current counsel would not be able to provide meaningful input of the Proceedings because he was not present – Andrew Lindemann.


It appears that this is not an isolated case. It may be a systemic problem. Therefore, I am asking that you provide statistical data of all or any complaints that has been received by your agency about transcripts in the past 10 years. Also, how many times have challenges been made to transcripts? It appears that the Justice Department needs to intervene here because there seems to be a disturbing pattern even without the requested data being provided. Please see an article that you were a participant being interviewed – Attachment 2. So, convicted murderers have more rights than me? I asked that question before in reference to equitable use of the courtroom to the Commission of Judicial Conduct and I ask it again. Strange, no, indescribable sometimes how God works things out. Same judge, same type of issue, same counterparts (court reporter) I don’t want to question the supervision, but integrity level is being questioned of this court reporter. Lives are in these people’s hands. God said, “No”, this time. I am a child of the Most High God. Even if you go with the so-called transcript initially provided. I am providing the evidence that the appearance of collusion to the Justice Department and any disregard by the Judicial Branch.

It was I who ordered the court reporter’s appearance. As her intermediate employer, I must report that I am not satisfied with her performance to try and deny my Right to Due Process and the violation of my Civil Rights. As stated in previous correspondence I would like to file an official complaint aside from the Challenges to the transcript itself to ensure that this matter is

taken seriously. A grieving family is still without closure due to a court reporter's disregard for the integrity of the transcript. Again, my Challenges have been made without sufficient response. A review of the recorded video, audio and stenographer's notes and the initial transcript provided will show an extreme variance (omissions of the judge's and opposing attorney's-Fagnoli statements) of the contents/context. I was cognizant and a participant in the Proceedings. I know what I experienced. In conjunction, I am asking the Justice Department to come in and intervene because not only has my Constitutional Rights been violated so has my Civil Rights. Also, my rights as an intermediate employer by requesting the court reporter's services your agency was supposed to make sure that I was provided with a "**competent**" court reporter. Competency includes integrity for the task at hand. The Judicial system was supposed to provide equal rights and justice throughout the entire Proceedings.

Strange, how Attachment 1 has been forwarded to Judge Nicholson by the court reporter. Some may find even that to be inappropriate to directly contact the judge. I am not allowed to make any contact.

God is in control!!!

Sincerely,

Karen Oliver
1945 Ghana Street
Johns Island, SC 29455
(843) 485-8065
Pro Se

cc: Christy Fagnoli
Clawson and Staubes, LLC
126 Sevens Farm Drive Suite 200
Charleston, SC 29492
(843) 577-2026

Andrew F. Lindemann,
Davidson & Lindemann, P.A.
P.O. Box 8568
Columbia, SC 29202
(803) 806-8222
Attorneys for Respondents

Hon. Rosalyn Frierson

Clerk, Court of Appeals

**Mona Manley, Circuit Court Reporter
South Carolina Judicial Department
P.O. Box 4516
Beaufort, SC 29906-4516
(850) 893-6662**

December 15, 2014

Re: Amanda Lawrence and Trident United Way, Respondent
Karen Oliver, Appellant Case No. 2012-CP-10-08135

Dear Ms. Oliver,

I have received your letter dated December 8, 2014. You will find our policy detailed for you in not only the last two letters from myself, but also the letter you received from Court Administration. I am sorry to inform you that I have no new policy and/or explanation for you at this time. It is no longer necessary for you to continue contacting me. I have responded to your request and your challenge.

Any further correspondence from you regarding this matter will be forwarded to Court Administration without a response from me. If any new or additional information about this matter becomes available I will promptly apprise you of that by way of written correspondence. Until then I wish you well in your endeavors and hope you have a just outcome in this matter.

Sincerely,



Mona L. Manley, Court Reporter

cc: (via email)
Court Administration/Desiree Allen
Christy Fagnoli, Esquire
Andrew Lindemann, Esquire
Judge Nicholson

Convicted murderer granted new trial due to inadequate trial transcript



Christina Elmore ✉ Email 🐦 @celmorepc

Dec 22 2014 12:01 am ⌚ Dec 22 7:32 pm

A convicted murderer has been granted a new chance at freedom because a Charleston County court reporter could not produce a transcript of his 5-year-old trial for appellate review.

Travis Maurice Hurst, 29, was transferred from Lieber Correctional Institution Dec. 9 and sent to the Charleston County jail to await a new trial.

He had faced 39 years in prison for gunning down Roni Perez-Ricardez, 24, in August 2007 near Johnson Cemetery on Stall Road.

Hurst confessed to the killing in talks with his friends, prosecutors argued during his first trial in August 2009.

His fingerprints and ammunition similar to what was used to kill Perez-Ricardez were found in an abandoned van that witnesses saw leave the scene, authorities had said.

A court reporter, identified in court documents as Deborah Everett, was in the courtroom for every minute of the three-day trial, and her job was to record the proceedings.

But when attorneys presenting Hurst's appeal later requested a transcript of the trial, they were told "significant portions of the transcript were unable to be transcribed due to missing or inaudible recordings," court documents stated.

Everett could not be reached for comment.

Backup audio recordings of trials are generally taken as a fail-safe, but the quality of such recordings is never a guarantee, said Assistant Solicitor Greg Voigt, who prosecuted the case. Everett attempted to reproduce a transcript of Hurst's trial using the backup recording, but, ultimately, she was unable to do so, he said.

Attorneys for Hurst filed a motion in March requesting that the missing portions of the record, roughly half of the document, be reconstructed, attorney Robert Dudek said. Circuit Judge J.C. Nicholson oversaw three hearings to revisit evidence, witnesses and the memories of the attorneys who had tried the case, but to no avail, he said.

"Judge Nicholson essentially made an exhaustive effort. He did everything he could to reconstruct the record, but this was a lengthy murder trial," Dudek said. "There were various legal rulings and objections that came up during the trial. At the end of the day, Judge Nicholson ruled the record could not be reconstructed to fairly provide Hurst with meaningful appellate review."

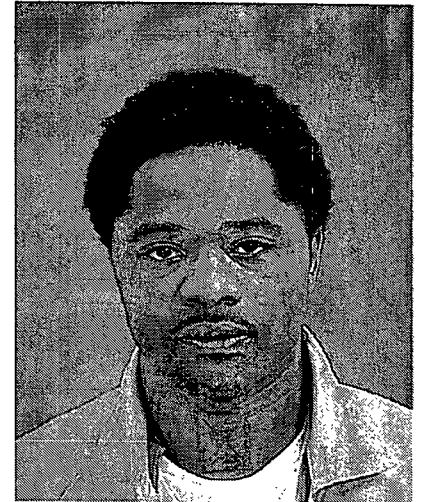
The state Court of Appeals granted Hurst a new trial based on Nicholson's determination. Considering the circumstances, Dudek said, the ruling was agreed upon by all sides.

Dudek and Voigt have both served in their respective careers for more than two decades. They both said they considered a court reporter's inability to produce an adequate transcript an aberration, but not unheard of.

A trial transcript that disappeared in 2012 opened a door for a potential third trial against James Summersett Jr., who had twice been convicted in the shooting death of his childhood friend, Julian Grant, in West Ashley in April 2002.

Summersett's 2003 conviction and life sentence were tossed out by the state Supreme Court due to errors committed by the trial judge. During his second trial, in 2010, a judge found Summersett guilty of voluntary manslaughter.

That charge carried a maximum 30-year sentence, but Summersett again received a life sentence due to a prior conviction for assault and battery with intent to kill. In 2012 while pursuing post-conviction relief, an attorney for Summersett requested a third trial after learning a transcript for his second trial had disappeared.



Hurst

Summersett's second conviction ultimately stuck, but a circuit judge in June agreed to reconsider his life sentence, court records show. The 9th Circuit Solicitor's Office and the state Attorney General's Office are in the process of appealing that decision.

The decision to grant Hurst a second trial has sent all involved back to square one.

Perez-Ricardez's next of kin was last known to be living in Mexico and has not yet been located or notified of the developments in the case, Voigt said. Witnesses will have to be tracked down and made available for upcoming proceedings. Hurst is still in the process of acquiring a new trial attorney.

Desiree Allen, who manages court reporters for the S.C. Court Administration, confirmed that Everett is no longer employed through the agency. She did not respond to a request for further comment.

In Voigt's eyes, there is no excuse for the slip-up.

"People who have exerted their right to a trial do so knowing it could go against them and they do so with a right to an appeal. You know the transcript is going to be the first order of business. Failure to maintain the record so that you can create a transcript is inexcusable," Voigt said. "The cost of that court reporter's negligence really affects the whole system. It should never happen. That should be the most reliable part of the system."

Reach Christina Elmore at 937-5908 or at [Twitter.com/celmorePC](https://twitter.com/celmorePC).

Keywords [Ninth Circuit Solicitor \(/section/search&facet.filter=Keywords:Ninth%20Circuit%20Solicitor\)](#)

[S.C. Court of Appeals \(/section/search&facet.filter=Keywords:S.C.%20Court%20of%20Appeals\)](#) [Travis Hurst \(/section/search&facet.filter=Keywords:Travis%20Hurst\)](#)

Comments

Notice about comments:

The Post and Courier is pleased to offer readers the enhanced ability to comment on stories. Some of the comments may be reprinted elsewhere in the site or in the newspaper. We ask that you refrain from profanity, hate speech, personal comments and remarks that are off point.

We do not edit user submitted statements and we cannot promise that readers will not occasionally find offensive or inaccurate comments posted in the comments area. If you find a comment that is objectionable, please click the X that appears in the upper right corner when you hover over a comment. This will send the comment to Facebook for review. Please be reminded, however, that in accordance with our [Terms of Use \(/section/terms\)](#) and federal law, we are under no obligation to remove any third party comments posted on our website. Read our full [terms and conditions \(/section/terms\)](#).



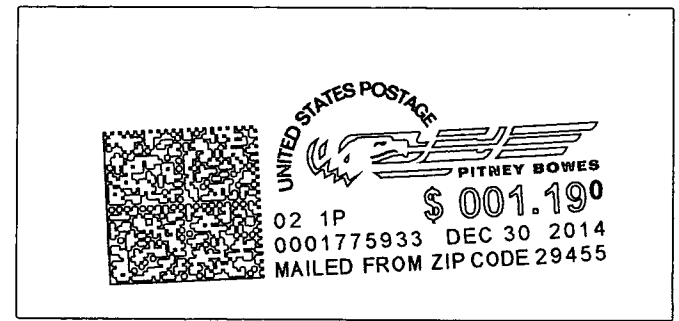
Comments

Facebook social plugin

© 2014, The Post and Courier, an Evening Post Industries company.
All Rights Reserved.

Registration on or use of this site constitutes acceptance of [Terms of Use \(/section/terms\)](#), [Parental Consent Form \(/section/parents\)](#), and [Privacy Policy \(/section/privacy\)](#).

1945 Ghana St.
Johns Island, SC 29455



RECEIVED
JAN 02 2015
SC Court of Appeals

Hon. Jenny Kitchings
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC
29211

