

The South Carolina Court of Appeals

The State, Respondent,

v.

Tykeem Kalani May, Appellant.

Appellate Case No. 2014-001827

RECEIVED
JUL 16 2015
CLERK

ORDER

Appellant has filed a motion to remand to the circuit court for reconstruction of the missing portions of the record. Respondent has filed a letter consenting. The motion is granted and this case is partially remanded to the Orangeburg County Court of General Sessions. Counsel for Appellant is ordered to contact counsel for Respondent and the circuit court judge, the Honorable Deadra L. Jefferson, within ten days of this order to schedule such hearings as the circuit court judge deems appropriate. Counsel for Appellant shall provide an update to the clerk of this court no later than fifteen days from the date of this order, with a copy to counsel for Respondent.


FOR THE COURT

Columbia, South Carolina

FILED
7/16/15

cc:

Salley W. Elliott, Esquire
Alan McCrory Wilson, Esquire
David Alexander, Esquire

State v. Tykeem May
Striking of the Jury
August 12, 2014

1 THE CLERK OF COURT: You may have a seat in the
2 jury box, ma'am.

3 [Whereupon, Ms. Steele is seated in the jury box
4 as an alternate juror]

5 THE COURT: The jury has been selected. Are
6 there any motions from the State?

7 MR. BELL: Yes, Your Honor, the State does.

8 THE COURT: Please approach.

9 [Whereupon, an off-the-record bench conference
10 is held]

11 THE COURT: Ladies and gentlemen, we thank you
12 for your patience. We have selected the panel for
13 this case. If you would call the jury information
14 line after six o'clock, there will be a message to let
15 you know if we have further need of your services.

16 Again, we appreciate your patience. I hope
17 everyone has a wonderful day. You're excused with the
18 Court's appreciation.

19 [Whereupon, the jury panel exits at 11:35 a.m.]

20 THE COURT: Ladies and gentlemen, please stand
21 and raise your right hand so that the clerk can
22 administer the oath to you.

23 [Whereupon, the jury is duly sworn by the clerk
24 of court as follows: do you solemnly swear or affirm
25 that you shall well and truly try and true deliverance



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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

July 20, 2015

RECEIVED

JUL 20 2015

SC Court of Appeals

The Honorable Deadra L. Jefferson
Circuit Court Judge
Charleston County Judicial Center
100 Broad Street, Suite 336
Charleston, SC 29401-2236

Re: State v. Tykeem Kalani May
Appellate Case No. 2014-001827

Dear Judge Jefferson:

I am an attorney at Appellate Defense in Columbia. I represent Tykeem Kalani May in his appeal. Salley W. Elliott with the Attorney General's office represents the State.

Mr. May was tried before Your Honor in Orangeburg beginning on August 11, 2014. Harrison Bell and Ashley Cornwell were the solicitors. Breen Stevens and Doug Mellard represented Mr. May. Mr. May was convicted of armed robbery and a weapons charge.

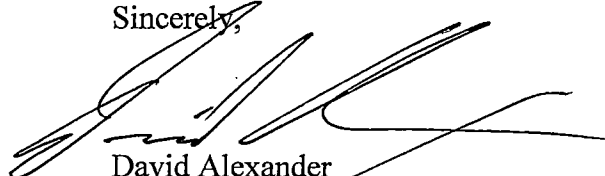
After jury selection, both the solicitor and the defense made Batson motions. These were heard at the bench, but unfortunately not recorded. The Court of Appeals granted my motion to reconstruct the record related to these Batson motions. Ms. Elliott consented to the motion. Attached is the Court of Appeals' Order. For the Court's convenience, I've also attached the page of the record showing where the Batson hearings took place, but were not recorded.

The Court of Appeals has remanded the matter to Your Honor to schedule a hearing as you deem appropriate. I do not believe that such a hearing will take very long nor will the record be difficult to reconstruct. I am informed that Mr. Bell and Mr. Stevens made the arguments at the bench, so I do not believe it is necessary for either Ashley Cornwell or Doug Mellard to attend the hearing.

I have copied the relevant parties on this letter. My client waives venue, so we may conduct the hearing in Charleston or at any place that suits the Court. I am more than happy to coordinate scheduling with the parties and your staff if that is easiest for Your Honor, or handle anything else that the Court wishes to make this hearing less inconvenient.

Thank you for your consideration in this matter.

Sincerely,



David Alexander
Appellate Defender

Enclosures

cc: The Honorable Jenny Abbott Kitchings
Salley W. Elliott, Esq.
Breen Richard Stevens, Esq.
Doug Mellard, Esq.
Harrison Bell, Esq.
Ashley Cornwell, Esq.
Client