



# 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

July 7, 2016

RECEIVED

JUL 18 2016

SC Court of Appeals

Page 1 of 2

The Honorable William P. Keesley  
Eleventh Judicial Circuit  
P O Box 10  
127 Courthouse Square  
Edgefield, SC 29824-0010

Re: The State v. Joe Ross Worley

Dear Judge Keesley:

Please find enclosed a copy of the order from the Court of Appeals remanding this matter for a reconstruction of the record. I apologize for the oversight on my part in writing to Your Honor two days late. This case arises out of the accidental, early morning shooting of a McCormick County Sheriff's Deputy while he and other officers were responding to a call at Appellant's lake house.

Following a two day "Stand Your Ground" hearing, Your Honor denied Appellant immunity from prosecution in an order issued on July 5, 2011. At the time, the denial of immunity was immediately appealable. During the pendency of the appeal, the court reporter's tapes were stolen. The Court of Appeals remanded the case to Your Honor for reconstruction.

Before Your Honor issued an order on the reconstruction (but after a reconstruction hearing was held) the Supreme Court decided *State v. Isaac*, 405 S.C. 177, 747 S.E.2d 677 (2913), finding that the denial of a motion for immunity was not immediately appealable. Accordingly, the Court of Appeals rescinded the remand.

Appellant proceeded to trial on December 16-20, 2013 before Judge McIntosh and a jury. He was found guilty of assault and battery with intent to kill and possession of a weapon during the commission of a violent crime. On my motion, the Court of Appeals has remanded this matter for a determination by Your Honor as to whether any additional hearings are necessary and for a determination as to whether the transcript of the immunity hearing can be reconstructed.

Honorable William P. Keesley  
July 7, 2016  
Page 2 of 2

With respect to the necessity of a hearing, I have no desire to duplicate past efforts. However, as no testimony was taken at the first reconstruction hearing, I believe it will be necessary to examine, under oath, the Appellant, the defense attorneys, and the solicitors about the missing testimony. To that end, I would respectfully ask Your Honor to contact me at his earliest convenience for the purposes of scheduling a hearing.

In the event that Your Honor would prefer a formal motion for a hearing, I would ask permission to submit such a reply upon request. If Your Honor has any questions or concerns regarding this case, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "John H. Strom", written over a circular stamp.

John H. Strom  
Appellate Defender

Enclosure

JHS/css

cc: J. Benjamin Aplin, Esquire  
Mr. Joe Ross Worley