

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Orangeburg County
The Honorable Carmen T. Mullen, Circuit Court Judge

Case No. 2016-GS-38-0731

RECEIVED

DEC 09 2016

SC Court of Appeals

STATE OF SOUTH CAROLINA

Appellant,

vs.

CHARLES THOMAS RILEY,

Respondent.

Appellate Case No. 2016-002123

**MOTION TO RELAX RULE 207(a)(1), SCACR TO PERMIT REQUEST FOR
TRANSCRIPT OUT OF TIME**

Appellant herein seeks an order of this Court relaxing Rule 207(a)(1), SCACR to permit Appellant to order the transcript out of time on the following grounds:

I.

Appellant appealed a pre-trial ruling granting immunity from criminal prosecution to Charles Thomas Riley pursuant to S.C. Code Ann. § 16-11-450, the Protection of Persons and Property Act. The notice of appeal was filed and served by Appellant on October 12, 2016.

Pursuant to Rules 207(a)(1), SCACR, Appellant was required to request that the court reporter prepare a transcript of the proceedings held on September 19, 2016, within thirty (30) days of the date of service of the notice of appeal. Assistant Solicitor Ashley B. Cornwell ordered the transcript from the court reporter via email on October 12, 2016. *See Attachment 1*. In an effort to ensure the transcript is ordered via U.S. mail and delivered to the proper parties, the Office of the South Carolina Attorney General has this day mailed a copy of the transcript request to the designated court reporter. *See Attachment 2*. Appellant notes that Solicitor Cornwell initiated the transcript order on the day she filed the notice of appeal. Therefore, no delay in the appeal should arise from Appellant's oversight should the court require the transcript request to be sent by U.S. mail.

II.

Appellant requested the transcript from the court reporter on October 12, 2016, and on December 9, 2016, as indicated by the attachments and moves this Court to relax Rule 207(a)(1), SCACR to permit the U.S. mail request for the transcript out of time.

WHEREFORE, Appellant respectfully requests that this Court grant the motion and for such other and further relief as this Court may deem just and proper.

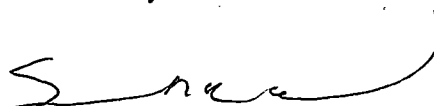
Respectfully submitted,

ALAN WILSON
Attorney General

J. ROBERT BOLCHOZ
Chief Deputy Attorney General

SUSANNAH R. COLE
Assistant Attorney General

BY:


Susannah R. Cole

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-6305

ATTORNEYS FOR RESPONDENT

December 9, 2016

Attachment 1

Susannah Cole

From: Ashley Cornwell <acornwell@scsolicitor1.org>
Sent: Wednesday, November 16, 2016 9:24 AM
To: Susannah Cole
Subject: FW: State v. Charlie Riley transcript

Susannah:

Below is the e-mail communications I have had with the court reporter regarding the transcript in the Charlie Riley case. If you need anything else, please let me know.

Sincerely,

Ashley B. Cornwell
1st Circuit Solicitor's Office
PO Box 1525
Orangeburg, SC 29116
(803) 533-6252

-----Original Message-----

From: Ashley Cornwell [<mailto:acornwell@scsolicitor1.org>]
Sent: Wednesday, October 12, 2016 9:11 AM
To: 'Jordan, Hilda M.'
Subject: RE: State v. Charlie Riley transcript

State v. Charlie Riley 2016-GS-38-0731
Hearing Date - September 19-20, 2016

Sincerely,

Ashley B. Cornwell
1st Circuit Solicitor's Office
PO Box 1525
Orangeburg, SC 29116
(803) 533-6252

-----Original Message-----

From: Jordan, Hilda M. [<mailto:HJordan@sccourts.org>]
Sent: Tuesday, October 11, 2016 9:47 AM
To: Ashley Cornwell
Subject: RE: State v. Charlie Riley transcript

Ashley, I don't have my notes with me. Can you give me date and caption number?

Thanks.

From: Ashley Cornwell <acornwell@scsolicitor1.org>

Sent: Tuesday, October 4, 2016 4:16 PM

To: Jordan, Hilda M.

Subject: State v. Charlie Riley transcript

Hilda:

Please send me the transcript in the Charlie Riley Stand Your Ground hearing as soon as possible. Thank you!

Sincerely,

Ashley B. Cornwell
1st Circuit Solicitor's Office
PO Box 1525
Orangeburg, SC 29116
(803) 533-6252

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

# **Attachment 2**



ALAN WILSON  
ATTORNEY GENERAL

December 9, 2016

Hilda M. Jordan  
Official Circuit Court Reporter  
Post Office Box 435  
Lexington, SC 29071

Re: State v. Charles Thomas Riley  
2016-GS-38-0731

Dear Ms. Jordan:

I hope this finds you well. Assistant Solicitor Ashley Cornwell emailed you October 12, 2016, requesting a copy of the transcript for the hearing held on September 19-20, 2016, before the Honorable Carmen T. Mullen in Orangeburg, SC for the case listed above. When possible, please forward a copy of the transcript to our office, as well.

If you will prepare this copy of the transcript and forward it to me along with your statement, I will arrange for payment.

Thank you.

Sincerely,

Susannah Cole  
Assistant Attorney General

SRC/pjc

cc: Desiree Allen, S.C. Court Administration

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**SC Court of Appeals**

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Appeal from Orangeburg County  
The Honorable Carmen T. Mullen, Circuit Court Judge

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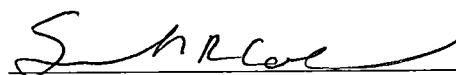
**PROOF OF SERVICE**

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I, Susannah R. Cole, certify that I have served the Motion to Relax on Respondent by depositing two (2) copies of the same in the United States mail, postage prepaid, addressed to his attorney of record, C. Bradley Hutto, Esquire, Williams & Williams, 1281 Russell Street, Orangeburg, South Carolina 29115.

I further certify that all parties required by Rule to be served have been served.

This 9<sup>th</sup> day of December 2016.

  
Susannah R. Cole  
Assistant Attorney General

Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727



ALAN WILSON  
ATTORNEY GENERAL

December 9, 2016

**RECEIVED**  
DEC 09 2016  
SC Court of Appeals

Honorable Jenny Abbott Kitchings, Clerk  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

Re: State of South Carolina v. Charles Thomas Riley  
Appellate Case Number 2016-002123

Dear Ms. Kitchings:

Enclosed please find the original and (6) copies of the Motion to Relax Rule 207(a)(1), SCACR, in the above-referenced case.

Sincerely,

Susannah R. Cole  
Assistant Attorney General

SRC/pjc  
Enclosures

cc: Ashley B. Cornwell, Esquire  
C. Bradley Hutto, Esquire  
Robert Michael Dudek, Esquire  
Ms. Trisha Allen, Victim Services