

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Appellate Case No. 2017-000911

RECEIVED

AUG 08 2017

SC Court of Appeals

State of South Carolina.....Respondent,

v.

Jeanette Tvonne Glover.....Appellant.

RETURN

In response to the State’s irregular motion for an extension of time contained in the August 1, 2017 letter to the Court, we consent to the extension. However, in order to preserve Appellant’s right to object to the inclusion of the Municipal Court trial transcript in the State’s Designation of Matter To Be Included In The Record On Appeal, we submit the following:

This is a direct appeal originating from a Municipal Court trial. The Municipal Court Judge’s Return, as a matter of South Carolina law, stands as the official record from the Municipal Court proceeding. The audio recording from the trial, which was admitted by the Circuit Court in its current form without any objection by Counsel for the State, was merely to aid or assist the appellate court, i.e. certainly not as a substitute for the Judge’s Return. The Judge’s Return and the audio have been supplied to the State. Additionally, we provided the State with the transcript from the Circuit Court hearing, which would be the only transcript required by Rule 207.

S.C. Code Ann. § 14-25-195 provides that a party has the right to record Municipal Court proceedings using a court reporter. S.C. Code Ann. § 14-25-105 goes on to describe appeals from the Municipal Court, providing that the municipal judge shall make a Return to the Court of Common Pleas. It further provides that when testimony was taken by a court reporter, the Return shall include the reporter's transcript. Otherwise, the Judge's Return serves as the official record of the trial.

Further, any attempt by the State (even through private counsel acting on behalf of the State) to make an indigent client pay for a transcript of an audio recording that is not required under South Carolina law in a direct appeal from a criminal proceeding is an unnecessary

burden. As such, we would oppose any such attempts by Mr. Thompson acting on behalf of the State to seek such ends, especially where the State has already conceded the matter in the first stage of direct appeal with the Circuit Court.

Respectfully submitted,



Minh L. Wyman (SC Bar #100381)
Office of the First Circuit Public Defender
190 Gibson Street
P.O. Box 1112
Orangeburg, SC 29116-1112
Telephone (803) 536-4858
Attorney for Appellant

Dated: August 8, 2017

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Appellate Case No. 2017-000911

RECEIVED

AUG 08 2017

SC Court of Appeals

State of South Carolina.....Respondent,

v.

Jeanette Tvonne Glover.....Appellant.

PROOF OF SERVICE

I certify that I have served the **Return** on Respondent by depositing a copy in the United States Mail, postage prepaid, on August 7, 2017, addressed to Jay T. Thompson, Esq., Special Prosecutor for the State of South Carolina at Nelson Mullins Riley and Scarborough, LLP, PO Box 11070, Columbia, SC 29211.



Minh L. Wyman (SC Bar #100381)
Office of the First Circuit Public Defender
190 Gibson Street
P.O. Box 1112
Orangeburg, SC 29116-1112
Telephone (803) 536-4858
Attorney for Appellant

Dated: August 7, 2017

Office of the Public Defender

First Judicial Circuit



107 W. 6th North Street
Suite 100
Summerville, SC 29483
(843) 821-9800
FAX (843) 871-0523

5200 East Jim Bilton Boulevard
Dorchester County Courthouse
St. George, SC 29477
(843) 832-0154

MARK A. LEIENDECKER
Circuit Public Defender

372 St. Paul Street
Covington Bldg., Rooms 8-9
PO Box 1112
Orangeburg, SC 29116-1112
(803) 531-7090
FAX (803) 531-0977

716 Huff Drive
St. Matthews, SC 29135
(803) 874-2100
FAX (803) 874-2400

August 7, 2017

The Honorable Jenny Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29201

Re: State v. Jeanette Glover
Appellate Case No. 2017-000911

Dear Ms. Kitchings:

Enclosed is the following:

- RETURN and PROOF OF SERVICE
- Seven (7) copies

I have also enclosed a self-addressed stamped envelope if you would be so kind as to clock in the copies and return one copy back to me.

Please contact me with any questions or concerns regarding this matter.

Sincerely,
ORANGEBURG COUNTY PUBLIC DEFENDER

A handwritten signature in black ink, appearing to read 'Minh L. Wyman', followed by a long horizontal line extending to the right.

Minh L. Wyman, Esq.
Assistant Public Defender

cc: Jay T. Thompson, Esq.
Special Prosecutor for the State of South Carolina
c/o Nelson Mullins Riley & Scarborough
PO Box 1170
Columbia, SC 29211

RECEIVED
AUG 08 2017
SC Court of Appeals

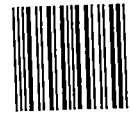
Office of the Public Defender
First Judicial Circuit
190 Gibson Street Room 110
PO Box 1112
Orangeburg, SC 29116-1112



7007 2560 0000 6837 2586

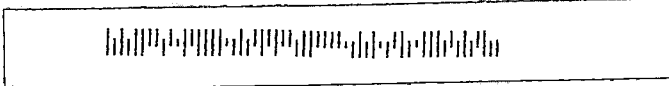


1000



29211

U.S. POSTAGE
PAID
ORANGEBURG, SC
29115
AUG 07 17
AMOUNT
\$8.13
R2304M115448-10



The Honorable Jenny Kitchings, Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia, SC ~~29201~~ ~~29209~~ 29211

~~29202~~
~~29209~~

RECEIVED
AUG 08 2017
SC Court of Appeals