



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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

December 18, 2017

Ms. Aileen Butler  
Circuit Court Reporter  
5252 Fire Water Lane  
Fort Mill, SC 29707

RECEIVED  
DEC 18 2017  
SC Court of Appeals

Dear Ms. Butler:

Please provide us with the missing portion of the following transcript:

The State v. Dinal Wayne Keith  
Appellate Case No. 2017-001088

Case #: 2016-GS-46-955  
2016-GS-46-956

County: York  
Presiding Judge: J. Derham Cole

Date of Trial: April 24-27, 2017

The majority of the transcript of this trial was provided to our office on or about July 10, 2017. However, as reflected on the page 405 (attached) of the previously provided transcript, the proceedings jump from denial of the motion for directed verdict to the jury's return of a verdict. Thus, at the very least, the closing arguments and jury charge are missing from the transcript. There may also be missing motions, objections, and/or jury questions and responses. It appears that the missing portion of the transcript is likely from the morning of April 27, 2017, but please review your tapes and provide *any and all portions* of the trial not previously provided.

Pursuant to the SC Court Reporter's Manual, please number the lines on the paper from 1-25. Consecutive numbering of pages must be used throughout all volumes regardless of the number of volumes involved. Please be sure to include headers and a complete index, including a listing of exhibits. As reflected on pages 2-5 (attached) of the previously provided transcript, it does not appear that a complete index was originally provided.

Letter to A. Butler re: Dinal Keith transcript

December 18, 2017

Page 2 of 2

SCCID prefers that all transcripts are sent via certified mail. If you would prefer the convenience of sending transcripts electronically, please use SCCID's file transfer servers found by navigating to <https://scfiledrop.sc.gov>. For further assistance or questions with this service, please contact Ryan Cole at [rcole@sccid.sc.gov](mailto:rcole@sccid.sc.gov) or by phone at 803-734-1239.

To ensure prompt payment, please sign and complete the enclosed form and include the original criminal case number (indictment number) where the space is provided.

Sincerely,

A handwritten signature in black ink that reads "Mary Brooks". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Mary Brooks  
Administrative Assistant

Enclosure

cc: S.C. Court of Appeals  
Attorney General's Office

1 STATE OF SOUTH CAROLINA

2 -----x

3 STATE,

4 Plaintiff,

5 Case No.

6 -against- 2016-GS-46-00955

7 DINAL WAYNE KEITH, 2016-GS-46-00956

8  
9 Defendant.

10 -----x

11 April 24-27, 2017

12 York, S.C.

14 B E F O R E:

15 HONORABLE J. DERHAM COLE

16

17 A P P E A R A N C E S:

18 BLAIN PLEMING, Esquire

19 Attorney for the State

20

21 MINDY LIPINSKI, Esquire

22 Attorney for the Defendant

23

24 Aileen Butler

25 Official Court Reporter

**RECEIVED**  
DEC 18 2017  
SC Court of Appeals



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<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
ROBIN GANDER				
Ms. Weaver	359			
Ms. Lipinski		367		
DEE ANN JOHNSON				
Ms. Weaver	382			
Ms. Lipinski		390		

E X H I B I T S

	<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVD.</u>
1				
2				
3	States 1	Right's form		168
4	States 2	Video		210
5	States 3	Photo		216
6	States 4	Photo		217
7	States 5	Video		225
8	States 6	CI agreement		228
9	States 7	Photo		275
10	States 8	Photo		276
11	States 9	Photo		277
12	States 12	Photo		280
13	States 13	Photo		281
14	States 14	Photo		283
15	States 15	Photo		284
16	States 16	Photo		285
17	States 17	Photo		287
18	States 22	Photo		324
19	States 23	Photo		324
20	States 25	Statement		252
21	States 26	Statement		253
22	States 27	Statement		254
23	States 28	Photo	363	363
24	States 29	Photo	363	363
25	States 30	Photo	363	363

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<u>NO.</u>	<u>DESCRIPTION</u>	<u>I.D.</u>	<u>EVD.</u>
States 31	Photo	363	363
States 32	Photo	363	363
States 33	Evidence	364	389
States 34	Evidence	364	389
States 35	Evidence	364	389
States 36	Document	364	389

1 trying to rely upon. And for that reason we feel that  
2 directed verdict should be granted.

3 THE COURT: Well, the Indictment does not limited  
4 to those terms as you state because they state as  
5 described in section 44-53-190 and 44-53-210 so they  
6 incorporated the language in each of those statutes by  
7 referencing the Indictment. So your motions for  
8 directed verdict are denied.

9 Anything else?

10 MR. PLEMING: Nothing from the State, Your Honor.

11 THE COURT: All right. Court is in recess until  
12 ten o'clock in morning. I need to see the lawyers in  
13 chambers to discuss potential charges.

14 MR. PLEMING: Yes, sir, Your Honor.

15 (Court was in recess until April 27, 2017)

16 THE COURT: All right, I am told the jury has  
17 reached a decision. Are we ready to proceed?

18 MR. PLEMING: Your Honor, I will need to print out  
19 a sentencing sheet. I just realized that. I don't  
20 have one in the courtroom now.

21 THE COURT: Okay. All right, are we ready to  
22 receive the jury's decision?

23 MR. PLEMING: Yes, sir, Your Honor.

24 MS. LIPINSKI: Yes, sir, Your Honor.

25 THE COURT: All right. Bring them in please.