

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

ORIGINAL

\_\_\_\_\_  
Certiorari to Lexington County  
Eugene C. Griffith, Jr., Circuit Court Judge  
\_\_\_\_\_

RECEIVED

SEP 20 2018

S.C. SUPREME COURT

WILLIAM BRUCE JUSTICE,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2017-001718  
\_\_\_\_\_

CONSENT MOTION TO SUBSTITUTE COPIES FOR ORIGINALS IN THE APPENDIX  
\_\_\_\_\_

WHEREFORE, counsel for Petitioner and Respondent jointly move this Court for an Order allowing the parties to substitute copies for original items of evidence in the Appendix. Counsel would show:

1. This appeal arises out of the dismissal of a post-conviction relief application regarding a parole revocation hearing pursuant to S.C. Code Ann. § 17-27-20.
2. The undersigned received a letter from the Office of the Attorney General on or about March 16, 2018 containing a CD of the parole revocation hearing. (Exhibit A)
3. Petitioner then listed "CD Containing Audio of Petitioner's Parole Revocation Hearing" in the Appendix filed with this Court on May 14, 2018, which the record shows was contained in the PCR judge's packet.

4. On the same day, the undersigned requested a transportation order be issued for this CD. This Court issued such an order the next day, on May 15, 2018.
5. The Clerk of Court for Lexington County indicated that it did not have a CD from Petitioner's PCR hearing on February 1, 2017. (Exhibit B)
6. As stated, the CD is an audio recording of Petitioner's parole revocation hearing.
7. Counsel for Respondent at the PCR hearing represented that "an audio disk" was provided to the PCR judge and counsel for Petitioner agreed it was part of the record. App. 328 l. 13 – App. 329 l. 12.
8. Although the CD was a part of the PCR judge's packet and therefore before the court, it was not entered as an exhibit.
9. Appellate counsel for Petitioner and Respondent agree that the audio on the CD is relevant to the appeal. It was before the PCR court, and should therefore be included in the Appendix.
10. Normally, exhibits on CD are transported to this Court by the Clerk of Court for the applicable county.
11. The parties ask this Court to allow the Attorney General to copy the one file, approximately ten minutes of audio, to a CD and to file this CD as a substitute.

Wherefore, undersigned counsels request this Court to issue an Order allowing the substitution of copies of the CD containing Petitioner's parole revocation hearing in lieu of transporting the original disc.

WE SO MOVE:

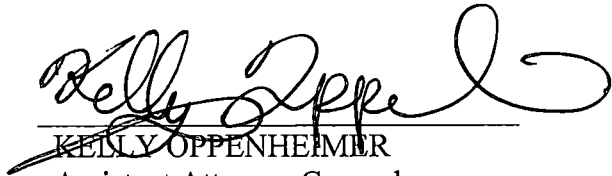


---

TAYLOR GILLIAM  
Appellate Defender  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589  
(803) 734-1330

ATTORNEY FOR PETITIONER

September 20, 2018



---

KELLY OPPENHEIMER  
Assistant Attorney General  
Rembert Dennis Building  
1000 Assembly Street  
Columbia, SC 29201  
803-734-0964

ATTORNEY FOR RESPONDENT

# **Exhibit A**



ALAN WILSON  
ATTORNEY GENERAL

March 16, 2018

Rhonda Foxworth  
South Carolina Commission of Indigent Defense  
Division of Appellate Defense  
P.O. Box 11589  
Columbia, SC 29211-1589

Re: William Bruce Justice v. State of South Carolina  
2014-CP-32-00698 (PCR Action)

Dear Ms. Foxworth:

Per your request please find enclosed a CD containing the probation revocation hearing in the above referenced post-conviction relief case.

Please let me know if you have any questions.

Sincerely,

Troyeshi Brailey  
Paralegal to Melody J. Brown  
Senior Assistant Deputy Attorney General

:trb  
Enclosure(s)

# **Exhibit B**

**Gilliam, Taylor**

---

**From:** Foxworth, Rhonda  
**Sent:** Monday, May 21, 2018 3:21 PM  
**To:** Huggins, Mona Denise  
**Subject:** RE: FOLLOW UP re. William Justice; 2014-CP-32-00698

Thanks for checking Mona. Have a great rest of your day!  
Rhonda

Rhonda Foxworth  
Administrative Coordinator  
SCCID – Appellate Defense Division

---

**From:** Huggins, Mona Denise  
**Sent:** Monday, May 21, 2018 3:20 PM  
**To:** Foxworth, Rhonda <rfoxworth@sccid.sc.gov>  
**Subject:** RE: FOLLOW UP re. William Justice; 2014-CP-32-00698

No ma'am. There is no CD on the evidence sheet from the hearing on February 1, 2017.

Mona Huggins  
Deputy Clerk  
Court of Common Pleas  
803-785-8398

---

**From:** Foxworth, Rhonda  
**Sent:** Monday, May 21, 2018 10:53 AM  
**To:** Huggins, Mona Denise <MHuggins@lex-co.com>  
**Subject:** FOLLOW UP re. William Justice; 2014-CP-32-00698  
**Importance:** High

Good morning Mona.

Please let me know if you have a copy of the audio CD which was included in the judge's packet. We have a copy but only need to know if the Court also has a copy in its possession.

Thanks.  
Rhonda

Rhonda Foxworth  
Administrative Coordinator  
SCCID – Appellate Defense Division

---

**From:** Foxworth, Rhonda  
**Sent:** Wednesday, May 16, 2018 10:39 AM  
**To:** Huggins, Mona Denise <MHuggins@lex-co.com>

**Subject:** RE: William Justice; 2014-CP-32-00698

**Importance:** High

Good morning Mona.

Our office is handling the PCR appeal for William Justice. The attorney is trying to locate the "audio CD included in judge's packet" referenced in the transcript dated 2/01/2017 on pages 31-32. Please check and let me know if you have a copy of this audio CD in the Court's possession.

As always, any and all assistance is greatly appreciated with these matters. I look forward to hearing from you soon.

Thanks.

Rhonda

Rhonda Foxworth  
Administrative Coordinator  
SCCID – Appellate Defense Division  
1330 Lady Street, Suite 401  
Columbia, SC 29201-3332  
(803) 734-1330

~~~ 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.

---

This communication and any attachment thereto is intended only for use by the addressee(s) named herein, and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, utilization, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error please notify the Commission on Indigent Defense immediately and permanently delete the original and any copy of any e-mail and any printout thereof. SCCID may be reached by using the email address of the sender, or at 803-734-1343.