

The Supreme Court of South Carolina

The State, Respondent,
v.
Steven Barnes, Appellant.

Appellate Case No. 2010-178247

ORDER

The time for serving and filing the initial brief of respondent and designation of matter is hereby extended until May 9, 2012.

JEAN H. TOAL, CHIEF JUSTICE

BY



CLERK

Columbia, South Carolina

April 10, 2012

cc: Donald J. Zelenka
Robert Michael Dudek
Elizabeth Anne Franklin-Best
Melody Jane Brown



ALAN WILSON
ATTORNEY GENERAL

April 9, 2012

RECEIVED
APR 9 2012
S.C. Supreme Court

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: The State v. Steven Barnes
Appeal from Edgefield County (Capital Case)

Dear Mr. Shearouse:

The Initial Brief of Respondent in the above-entitled action is due to be filed and served today, April 9, 2012. Due to my heavy caseload, I will not be able to complete the Initial Brief in a timely fashion. For this reason, I respectfully request an extension of thirty (30) days within which to file the Initial Brief.

By copy of this letter I am informing opposing counsel of this request. Thank you for your consideration.

Sincerely,

Melody J. Brown
Senior Assistant Attorney General

MJB/lb

cc: Robert M. Dudek, Chief Appellate Defender
Elizabeth Franklin-Best, Appellate Defender

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Edgefield County
R. Knox McMahon, Circuit Court Judge

RECEIVED

FEB 23 2012

S.C. Supreme Court

THE STATE,

RESPONDENT,

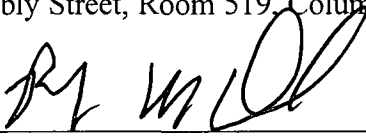
V.

STEVEN BARNES,

APPELLANT

CERTIFICATE OF SERVICE

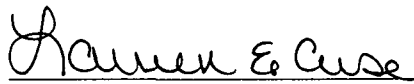
The undersigned attorney hereby certifies that a true copy of the Initial Brief of Appellant and Designation of Matter in the above referenced case has been served upon Donald J. Zelenka, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 23rd day of February, 2012.


Robert M. Dudek
Chief Appellate Defender

Elizabeth A. Franklin-Best
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 23rd day of February, 2012.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: August 23, 2014

The Supreme Court of South Carolina

The State,

Respondent,

v.

Steven Barnes,

Appellant.

The Honorable R. Knox McMahon

Edgefield County

Trial Court Case No. 2005-GS-19-00273

2005-GS-19-00457

ORDER

Appellant seeks a fifth extension of time to serve and file the Initial Brief of Appellant and Designation of Matter, and asserts that extraordinary circumstances justify this extension. The opposing party consents to the extension. The request for an extension is granted until February 24, 2012. Pursuant to this Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

IT IS SO ORDERED.


FOR THE COURT C.J.

Columbia, South Carolina

January 23, 2012

cc: Chief Appellate Defender Robert M. Dudek
Assistant Deputy Attorney General Donald J. Zelenka

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Edgefield County
R. Knox McMahon, Circuit Court Judge

ORIGINAL

RECEIVED

JAN 20 2012

S.C. Supreme Court

THE STATE,

RESPONDENT,

v.

STEVEN BARNES,

APPELLANT

PETITION FOR EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

The undersigned counsel respectfully requests a **final twenty-eight day extension (from January 26, 2012) until February 24, 2012** or as much time as this Court is willing to allow in which to file the initial brief of appellant and designation of matter in the above-referenced **death penalty case**. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed **Thursday, January 26, 2012**. Counsel intended to make this a final extension request. Counsel regrets that intervening death penalty cases, scheduled oral arguments, and heavy administrative duties as the Chief Appellate Defender have made this extension request necessary.

2. The state, on January 18, 2012, filed a 197 page brief of respondent in the death penalty case of State v. Raymondeze Rivera. The state also designated "clean" or unmarked copies of the juror questionnaires which counsel as appellant will have to obtain and clean.

Counsel must also coordinate with co-counsel on what in the respondent's brief will be the subject of our reply brief. In addition, counsel is working on the death penalty case of Richard Moore v. State. Further, counsel is expecting the state's brief in the death penalty case of State v. Steven Stanko which he will also have to read and research for a reply brief. Moreover, two other major cases have just arrived in this office that require attention: Marion Lindsey v. State, a death penalty PCR case, and Steven Beckham v. State, which originally was a death penalty case at the trial level. Counsel must also prepare for oral arguments in this Court and in the Court of Appeals. Counsel will argue State v. Chris Anthony Liverman with this Court on February 23, 2012. Counsel is arguing part of, along with Reid Sherard of the Nelson-Mullins firm, the murder case of State v. Richard Bill Niles, Jr. with the South Carolina Court of Appeals on February 14, 2012. Counsel also must argue the murder case of State v. Garvin Duvall on February 16, 2012 before the Court of Appeals. Counsel is planning on filing the initial brief of appellant and designation of matter in State v. Stephanie Murray on February 2, 2012 with the Court of Appeals, and also planning to file the initial briefs of appellant and designations of matter in State v. Tawanda Allen and State v. Jason Williams with the South Carolina Court of Appeals on February 8, 2012. Counsel filed the petition for writ of certiorari in Anthony Lamar Brown v. State with this Court on January 13, 2012. Counsel had an oral argument in State v. Jimmy Paul McKerley before the Court of Appeals on January 11, 2012. Counsel filed the petition for writ of certiorari in Damian Lamar Blackmon v. State with this Court on January 9, 2012. Counsel filed the initial brief of appellant and designation of matter in State v. Chamar Scott with the Court of Appeals on January 5, 2012. Counsel filed the initial brief of appellant and designation of matter in State v. Manuel Marin with the Court of Appeals on January 3, 2012. Counsel filed the initial brief of appellant and designation of matter in State v. Sherry Engle with the Court of Appeals on December 30, 2011. Counsel filed the initial brief of appellant and designation of matter in State v. Dondre Scott with the Court of Appeals on

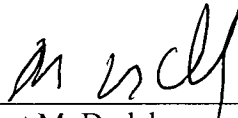
December 21, 2011. Counsel filed the initial brief of appellant and designation of matter in State v. Rashaun Sobers with the Court of Appeals on December 20, 2011. In addition to the above, counsel has very extensive administrative duties on a daily basis as the Chief Appellate Defender.

3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will needed to be requested. Counsel regrets the necessity of having to request this **final extension** but it is absolutely necessary.

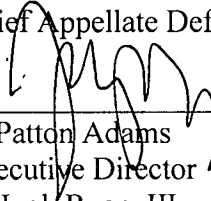
4. Counsel has talked with opposing counsel about the necessity of this extension request, and, as indicated counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final twenty-eight day extension (from January 26, 2012) until February 24, 2012** or as much time as this Court is willing to allow in which to file the initial brief and designation of matter in this death penalty case.

Respectfully submitted,



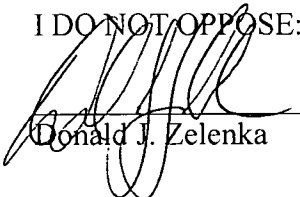
Robert M. Dudek
Chief Appellate Defender



T. Patton Adams
Executive Director
J. Hugh Ryan, III
General Counsel

January 20, 2012

I DO NOT OPPOSE:



Donald J. Zelenka

The Supreme Court of South Carolina

The State,

Respondent,

v.

Steven Barnes,

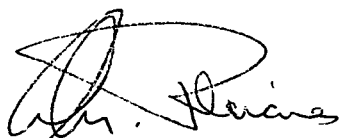
Appellant.

The Honorable R. Knox McMahon
Edgefield County
Trial Court Case No. 2005-GS-19-00273
2005-GS-19-00457

ORDER

Appellant seeks a fourth extension to serve and file the initial brief of appellant and designation of matter, and asserts that extraordinary circumstances justify this extension. The opposing party consents to the extension. The request for an extension is granted until January 26, 2012. Pursuant to this Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

IT IS SO ORDERED.


A. C.J.
FOR THE COURT

Columbia, South Carolina

December 30, 2011

cc: Chief Appellate Defender Robert M. Dudek
Robert J. Harte, Esquire
Assistant Deputy Attorney General Donald J. Zelenka
Donald V. Myers, Esquire

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Edgefield County
R. Knox McMahon, Circuit Court Judge

ORIGINAL
RECEIVED

DEC 28 2011

S.C. Supreme Court

4

THE STATE,

RESPONDENT,

v.

STEVEN BARNES,

APPELLANT

PETITION FOR EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

The undersigned counsel respectfully requests a **final twenty-one business day extension until January 26, 2012** in which to file the initial brief of appellant and designation of matter in the above-referenced death penalty case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today.
2. Counsel filed the initial brief of appellant and designation of matter in State v. Rashaun Sobers with the Court of Appeals on December 20, 2011. Counsel filed the initial brief of appellant in State v. Jeffrey Michaelson with the Court of Appeals on December 16, 2011. Counsel filed the petition for writ of certiorari in Demetric Hardaway v. State with this Court on December 14, 2011. Counsel filed the petition for rehearing in In the Interest of Jamal G., a Minor Under the Age of Seventeen with the Court of Appeals on December 8, 2011. Counsel filed the initial brief of appellant and designation of matter in State v. Anthony Lockhart with the

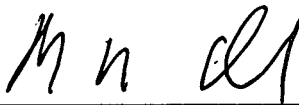
Court of Appeals on December 6, 2011. Counsel had an oral argument in State v. Kevin Cornelius Odems before this Court on November 30, 2011. Counsel filed the initial brief of appellant and designation of matter in State v. Antonio D. Patterson on November 28, 2011 with the Court of Appeals. In addition to the above, counsel has very extensive administrative duties on a daily basis as the Chief Appellate Defender.

3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

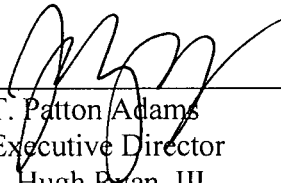
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request **a final twenty-one business day extension until January 26, 2012** in which to file the initial brief and designation of matter in this death penalty case..

Respectfully submitted,



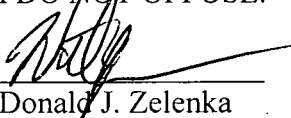
Robert M. Dudek
Chief Appellate Defender



T. Patton Adams
Executive Director
J. Hugh Ryan, III
General Counsel

December 28, 2011

I DO NOT OPPOSE:


Donald J. Zelenka

The Supreme Court of South Carolina

The State,

Respondent,

v.

Steven Barnes,

Appellant.

The Honorable R. Knox McMahon
Edgefield County
Trial Court Case No. 2005-GS-19-00273
2005-GS-19-00457

ORDER

For good cause shown, the request for an extension to serve and file the Initial Brief of Appellant and Designation of Matter is granted and extended until December 28, 2011. Pursuant to this Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

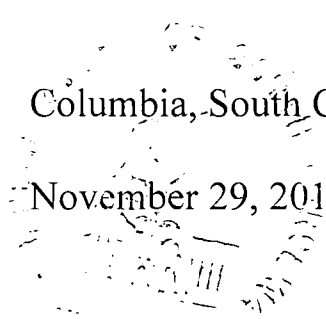
IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY



CLERK



Columbia, South Carolina

November 29, 2011

cc: Chief Appellate Defender Robert M. Dudek
Assistant Deputy Attorney General Donald J. Zelenka

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Edgefield County

R. Knox McMahon, Circuit Court Judge

ORIGINAL

RECEIVED

NOV 28 2011

S.C. Supreme Court

RESPONDENT,

THE STATE,

V.

STEVEN BARNES,

APPELLANT

PETITION FOR EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

The undersigned counsel respectfully requests a thirty day extension in which to file the initial brief of appellant and designation of matter in the above-referenced death penalty case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today. Counsel will attempt to make this a final extension. However, given his heavy caseload and extensive administrative duties, counsel respectfully requests that this Court give all possible consideration to not making this a "no further extensions" order in the event counsel needs a reasonably short extra period of time to complete the initial brief of appellant and designation of matter in this death penalty case.

2. Counsel is filing the initial brief of appellant and designation of matter in State v. Antonio D. Patterson today, November 28, 2011, with the Court of Appeals. Counsel filed the initial brief of appellant and designation of matter in the attempted murder case of State v. Jason Ray Franks with the Court of Appeals on November 23, 2011. Counsel filed a motion to dismiss the state's petition for writ of certiorari on November 22, 2011 with this Court from the decision affirming the conviction and finding of harmless error by the Court of Appeals in State v. Walter Lee Harris. Counsel also did the reply in an oral argument before the Court of Appeals in State v. Rodney Galimore on November 17, 2011. Counsel also filed the brief of respondent in Ernest Pressley v. State with the Court of Appeals on November 17, 2011. In addition, counsel did the reply in oral argument before the Court of Appeals in State v. Kathy Salley on November 15, 2011. Counsel also had an oral argument before the Court of Appeals in State v. Harold Lee Jackson on November 15, 2011. Counsel filed the petition for rehearing in State v. Terrell L. McCoy with the Court of Appeals on November 10, 2011. Counsel filed the petition for writ of certiorari in Marcus Evans v. State with this Court on November 8, 2011. Counsel filed a petition for writ of certiorari to the Court of Appeals with this Court in State v. Aurelio Vincent Ottey on November 7, 2011. Counsel had oral arguments in the case of State v. Sammy Scott and State v. Anthony Quentin Scott before the Court of Appeals on November 3, 2011. Counsel had an oral argument on November 2, 2011 in the case of State v. Charles Q. Jackson before this Court wherein certiorari was dismissed last week as improvidently granted. Counsel must also prepare for oral argument in State v. Kevin Cornelius Odems before this Court for Wednesday, November 30, 2011. In addition to the above, counsel has very extensive administrative duties on a daily basis as the Chief Appellate Defender.

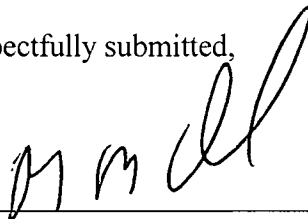
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will

hopefully become more manageable in the near future, and less extensions will need to be requested.

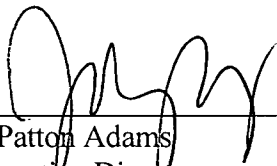
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension in which to file the initial brief and designation of matter in this death penalty case. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion, and that this Court respectfully give all due consideration to not making this a “no more extensions will be granted” order.

Respectfully submitted,



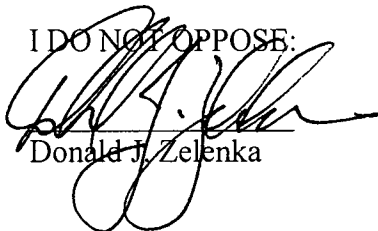
Robert M. Dudek
Chief Appellate Defender



T. Patton Adams
Executive Director
J. Hugh Ryan, III
General Counsel

November 28, 2011

I DO NOT OPPOSE:



Donald J. Zelenka

The Supreme Court of South Carolina

The State,

Respondent,

v.

Steven Barnes,

Appellant.

The Honorable R. Knox McMahon
Edgefield County
Trial Court Case No. 2005-GS-19-00273
2005-GS-19-00457

ORDER

For good cause shown, the request for an extension to serve and file the Initial Brief of Appellant and Designation of Matter is granted and extended until November 28, 2011. Pursuant to this Court's order dated March 18, 2009, any further extension request must be based on a showing of good cause and must be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY *Shirley S. Shealy*
Chief Deputy CLERK

Columbia, South Carolina

October 27, 2011

cc: Chief Appellate Defender Robert M. Dudek
Assistant Deputy Attorney General Donald J. Zelenka



STATE OF SOUTH CAROLINA

 ORIGINAL

IN THE SUPREME COURT

Appeal from Edgefield County

R. Knox McMahon, Circuit Court Judge

RECEIVED

OCT 26 2011

S.C. Supreme Court

THE STATE,

RESPONDENT,

V.

STEVEN BARNES,

APPELLANT

PETITION FOR EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

The undersigned counsel respectfully requests a thirty day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today.
2. Counsel is filing the initial brief of appellant and designation of matter in State v. Dadrin Johnson with the Court of Appeals on Friday, October 28, 2011. Counsel is preparing for oral arguments for the month of November in State v. Charles Q. Jackson before this Court on November 2, 2011; State v. Sammy Scott before the Court of Appeals on November 3, 2011; State v. Anthony Q. Scott before the Court of Appeals also on November 3, 2011; State v. Kathy Salley before the Court of Appeals on November 15, 2011; State v. Rodney Galimore before the

Court of Appeals on November 17, 2011; and State v. Kevin Cornelius Odems before this Court on November 30, 2011. Counsel filed the initial brief of appellant and designation of matter in State v. Tremaine Nelson with the Court of Appeals on October 19, 2011. Counsel filed the petition for rehearing in the death penalty case of State v. William O. Dickerson with this Court on October 18, 2011. Counsel also argued the case of State v. Samuel Whitner before this Court on October 18, 2011. Counsel filed the initial brief initial brief of appellant and designation of matter in the murder case of State v. Adolph McGhaney with the Court of Appeals on October 13, 2011. Counsel has had more extensive administrative duties than normal in the past several weeks. Counsel has had to reassign oral arguments previously assigned to three attorneys who have left this office. Counsel has been working on a Nelson Mullins project with four attorneys who have agreed to assist our office pro-bono. Counsel has also been working with Charleston School of Law on the third year law student practice extern program before this Court. Counsel filed the petition for writ of certiorari in the United States Supreme Court in the death penalty case of Kenneth Harry Justus v. State on October 6, 2011. Counsel also argued the case of State v. Jamal Gathers before the Court of Appeals on October 6, 2011. Counsel filed the return to the state's petition for writ of certiorari to the Court of Appeals in State v. Thomas T. Bryant, Jr. with this Court on September 30, 2011. Counsel gave a presentation on case law at, and attended, the annual conference of the South Carolina Public Defender Association held September 26-28, 2011 at Kingston Plantation, Myrtle Beach, South Carolina. Counsel filed the sixty-five page initial brief of appellant in the death penalty case of State v. Steven Stanko with this Court on August 26, 2011, wherein the transcripts were 3439 pages long. In addition to the above, counsel has very extensive administrative duties on a daily basis as the Chief Appellate Defender.

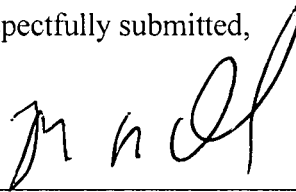
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will

hopefully become more manageable in the near future, and less extensions will need to be requested.

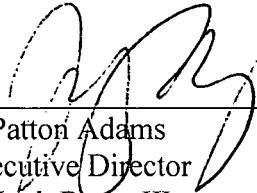
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,




Robert M. Dudek
Chief Appellate Defender



T. Patton Adams
Executive Director
J. Hugh Ryan, III
General Counsel

October 26, 2011

I DO NOT OPPOSE:


Donald I. Zelenka

cc: Chief Appellate Defender Robert M. Dudek
Assistant Deputy Attorney General Donald J. Zelenka



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

ORIGINAL

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

September 23, 2011

Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

RECEIVED

SEP 23 2011

S.C. Supreme Court

Re: The State v. Steven Barnes (Capital case)

Dear Mr. Shearouse:

The initial brief of appellant and designation of matter in the above referenced case are due to be served and filed **Monday, September 26, 2011**. However, because of my current caseload, I have been unable to complete this brief. For that reason, I would respectfully request an extension of thirty days, **until October 26, 2011** in which to serve and file this petition.

By copy of this letter, I am informing Donald J. Zelenka, Esquire, of the Attorney General's Office, of my request.

Thank you for your assistance in this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Robert M. Dudek
Chief Appellate Defender

RMD:lec

cc: Donald J. Zelenka, Esquire



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) 734-1343
Facsimile: (803) 734-1397

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

ORIGINAL

RECEIVED

AUG - 2 2011

S.C. Supreme Court

August 2, 2011

The Honorable Daniel E. Shearouse
Clerk, S.C. Supreme Court
Post Office Box 11330
Columbia, SC 29211

Dear Mr. Shearouse:

The following case falls under the 60 day rule for appeals, and the date we received the transcript is listed to the side.

The State v. Steven Barnes

7/26/2011

I would appreciate you beginning our time limits from the above date, and if you need additional information, or have any questions please contact me.

Thank you for your assistance in this matter.

Sincerely,

Lauren E. Cruse
Legal Assistant



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

ORIGINAL

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 22, 2011

RECEIVED

JUL 22 2011

S.C. Supreme Court

The Honorable Daniel E. Shearouse
Clerk of Court
The South Carolina Supreme Court
P.O. Box 11330
Columbia, SC 29211

Re: The State v. Steven Barnes (Capital Case)

Dear Mr. Shearouse:

This is to notify your office that we have received the November 5, 2010 transcript in the above-captioned case on Thursday, July 21, 2011.

We are still waiting on the PCR trial transcript (November 8-17, 2010). I will contact your office as soon as I am in receipt of this transcript. Should you need any additional information, please do not hesitate to contact me.

Sincerely,

Lauren E. Cruse
Legal Assistant

:lec

cc: Donald J. Zelenka, Esquire



RECEIVED

JUN 28 2011

S.C. Supreme Court

The Supreme Court of South Carolina

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 CASE (
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Notice

Upon request and for good cause shown, Carol Thueme, Court Reporter, is hereby granted an extension up to and including July 22, 2011 to prepare and deliver the Transcript of Record in the above case.

Desiree Allen
Court Services Manager
South Carolina Court Administration

Columbia, South Carolina
06/22/2011

cc: Division of Appellate Defense
Attorney General
Carol Thueme

RECEIVED
JUN 27 2011
SC OFFICE OF
APPELLATE DEFENSE



The Supreme Court of South Carolina

RECEIVED

MAR 24 2011

S.C. Supreme Court

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CASE ()
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Notice

Upon request and for good cause shown, Carol Thueme, Court Reporter, is hereby granted an extension up to and including April 22, 2011 to prepare and deliver the Transcript of Record in the above case.

Desiree Allen
Court Services Manager
South Carolina Court Administration

Columbia, South Carolina
03/22/2011

cc: Division of Appellate Defense
Carol Thueme

The South Carolina Court of Appeals

The State,

Respondent,

v.

Steven Barnes,

Appellant.

The Honorable R. Knox McMahon
Edgefield County
Trial Court Case No. 2005-GS-19-00273
2005-GS-19-00457

RECEIVED

FEB 07 2011

S.C. Supreme Court

ORDER

The appeal in the above captioned matter is transferred to the South Carolina Supreme Court Pursuant to Rule 203(d)(1)(i) of the South Carolina Appellate Court Rules.

IT IS SO ORDERED.

JOHN CANNON FEW, CHIEF JUDGE
For The Court

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc: Robert J. Harte, Esq.
Chief Appellate Defender Robert M. Dudek
Assistant Attorney General Donald J. Zelenka
The Honorable Daniel Shearouse

FILED

2/4/11



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
Joseph L. Savitz, III, Senior Appellate Defender

January 21, 2011

RECEIVED

JAN 21 2011

S.C. Supreme Court

Ms. Carol M. Thueme
Circuit Court Reporter
P O Box 1981
Irmo, SC 29063

Dear Ms. Thueme:

Our office has been requested to perfect the appeal arising out of:

The State v. Steven Barnes

Case #:

05-GS-19-00273 & 00457.

County: Edgefield

Date of Trial: November 8-17, 2010

Presiding Judge: R. Knox McMahan

It is my understanding that you were the court reporter at this time. That being the case, I request that you send this office the original trial transcript along with your bill. If you send a copy to this office, please bill us accordingly. To ensure prompt payment of this bill, please prepare it on the enclosed CID FORM 3500 (Substitution for SCCA DI-4) and include the original criminal case number (Indictment number) where the space is provided.

We request that the lines on the paper be numbered from 1-25, and that you include in the transcript any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments. We have found that even if there are no objections, we need to review both opening and closing arguments for appeal.

If you are aware of the existence of co-defendants not listed in the prior captioned case, please contact us prior to transcribing the transcript. In this manner, we can consult our records to ensure that in ordering a transcript, a duplication has not occurred. In addition, if the Attorney General's Office has already requested an original transcript, please notify us.

Ms. Carol M. Thueme
January 21, 2011
Page Two

I am sorry for any inconvenience this may cause, but I appreciate your assistance in this matter. If you have any questions, or problems, please contact me.

Thank you for your kind cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Lauren E. Cruse".

Lauren E. Cruse
Legal Assistant

cc: S.C. Supreme Court
Attorney General's Office



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
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Wanda H. Carter, Deputy Chief Appellate Defender
Joseph L. Savitz, III, Senior Appellate Defender

January 21, 2011

Ms. Carol M. Thueme
Circuit Court Reporter
P O Box 1981
Irmo, SC 29063

RECEIVED

JAN 21 2011

S.C. Supreme Court

Dear Ms. Thueme:

Our office has been requested to perfect the appeal arising out of:

The State v. Steven Barnes

Case #:

05-GS-19-00273 & 00457.

County: Edgefield

Date of Trial: November 5, 2010

Presiding Judge: R. Knox McMahon

It is my understanding that you were the court reporter at this time. That being the case, I request that you send this office the original trial transcript along with your bill. If you send a copy to this office, please bill us accordingly. To ensure prompt payment of this bill, please prepare it on the enclosed CID FORM 3500 (Substitution for SCCA DI-4) and include the original criminal case number (Indictment number) where the space is provided.

We request that the lines on the paper be numbered from 1-25, and that you include in the transcript any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments. We have found that even if there are no objections, we need to review both opening and closing arguments for appeal.

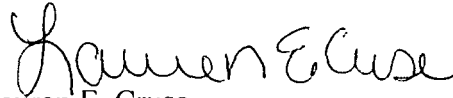
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Ms. Carol M. Thueme
January 21, 2011
Page Two

I am sorry for any inconvenience this may cause, but I appreciate your assistance in this matter. If you have any questions, or problems, please contact me.

Thank you for your kind cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Lauren E. Cruse". The signature is written in black ink and is positioned above the printed name and title.

Lauren E. Cruse
Legal Assistant

cc: S.C. Supreme Court
Attorney General's Office

ROBERT J. HARTE, P.C.
Attorney at Law

P.O. Box 1959
132 Chesterfield St., S.
Aiken, SC 29802-1959

Telephone: (803) 648-0853
Facsimile: (803) 648-2996

December 20, 2010

S.C Court of Appeals
P.O. Box 11629
Columbia SC 29210
(803) 734-1839

RE: Stephen Louis Barnes
Case #: 200884927

Dear South Carolina Court of Appeals,

I represented Stephen L. Barnes in a death penalty case in Edgefield County. An appeal has been filed. The South Carolina Division of Appellate Defense has been requested to conduct the appeal. However the Division has not yet accepted the case. As a result I am requesting a thirty-day extension to order the transcript of the trial.

Very truly yours,


Robert J. Harte

RECEIVED
DEC 21 2010
SC Court of Appeals



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

November 30, 2010

Robert J. Harte, Esquire
P.O. Box 1959
Aiken, SC 29802

Re: The State, V. Barnes, Steven
2010178247

Dear Mr. Harte:

We have received your Notice of Appeal in the case noted above. This case will be docketed in the Court of Appeals and all communications concerning this case, including motions and petitions, initial, and final briefs, and the Record on Appeal, should be directed to and filed in this Court. For all filings, please note the requirements of Rule 267(a) of the South Carolina Appellate Court Rules, and be further advised that Court of Appeals policy requires the firm name of any counsel shown must be included in his or her address.

Please be advised that pursuant to Rule 602, SCACR and the order of the Chief Justice dated December 12, 1997, if you expect the Office of Indigent Defense to pursue this appeal, you must provide that office with all information required to proceed with this appeal, failing which, this office will consider you counsel of record.

We suggest that large parcels such as copies of final briefs and the Record On Appeal be sent directly to the Court via the street address: 1015 Sumter Street, Columbia, S.C. 29201. Thank you for your attention to this. Failure to file in the proper court may result in the dismissal of your appeal.

PLEASE BE ADVISED that, pursuant to Rule 207 of the South Carolina Appellate Court Rules, the transcript must be ordered within thirty (30) days of the proof of service of the Notice of Appeal and you must provide this Court, opposing counsel, and the Office of Court Administration with all correspondence regarding the transcript. It is also Appellant's responsibility to make satisfactory arrangements (including agreement regarding payment for the transcript) with the Court Reporter for furnishing the transcript. You are reminded of the

notification requirements Article 207(a)(5), SCACR, also, please advise the Court in writing upon receipt of the transcript.

NOTE: If you believe this case has been improperly filed in the Court of Appeals, by reason of the limitations set forth in S.C. Code Ann. Section 14-8-200(b)(1998), as amended June 1, 1999, notify the Clerk's office of the Court of Appeals immediately. The cited Code Section prohibits the Court of Appeals from hearing appeals in seven classes of cases:

- 1) any final judgment from the circuit court which includes a sentence of death;
- 2) any final judgment from the circuit court setting public utility rates pursuant to Title 58;
- 3) any final judgment involving a challenge on state or federal grounds to the constitutionality of a state law or county or municipal ordinance where the principal issue is the constitutionality of the law or ordinance;
- 4) any final judgment from the circuit court involving the authorization, issuance, or proposed issuance of general obligation debt, revenue, institutional, industrial, or hospital bonds of the state, its agencies, political subdivisions, public service districts, counties, and municipalities or any other indebtedness now or hereafter authorized by Article X of the Constitution of this state;
- 5) any final judgment from the circuit court pertaining to elections and election procedure;
- 6) any order limiting an investigation by a State Grand Jury under S.C. Code Ann. Section 14-7-1630;
- 7) any order of the family court relating to an abortion by a minor under S.C. Code Ann. Section 44-41-33.

Very truly yours,

V. Claire Allen, Deputy
Tanya A. Gee
CLERK

TAG/dw

cc: Chief Appellate Defender Robert M. Dudek
Assistant Attorney General Salley W. Elliott
Donald V. Myers, Esquire



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
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FAX: (803) 734-1839
www.sccourts.org

November 30, 2010

Robert J. Harte, Esquire
P.O. Box 1959
Aiken, SC 29802

Re: The State, V. Barnes, Steven
2010178247

Dear Mr. Harte:

This office has received your Notice of Appeal in the above matter. It has been assigned the Case Tracking Number that appears above. Please use this number on all future correspondence relating to this matter.

I do wish to call the attention of the parties to the attached order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Very truly yours,

V. Claire Allen, Deputy
CLERK

TAG/dw

cc: Chief Appellate Defender Robert M. Dudek
Assistant Attorney General Salley W. Elliott
Donald V. Myers, Esquire

2010178243
POS 11-19-10
POS 11-19-10

THE STATE OF SOUTH CAROLINA
APPEAL FROM EDGEFIELD COUNTY
In the Court of General Sessions
The Honorable R. Knox McMahon

RECEIVED

NOV 28 2010

S.C. SUPREME COURT

Case Number 05-GS-19-273
Case Number 05-GS-19-457

trans by
Sup. Ct. order
dated 11/22/10

STATE OF SOUTH CAROLINA RESPONDENT

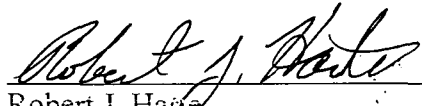
VS.

STEVEN BARNES APPELLANT

NOTICE OF INTENT TO APPEAL

Defendant, Steven Barnes, appeals the sentence of the Honorable R. Knox McMahon dated November 17, 2010.

November 19, 2010.



Robert J. Harle
P.O. Box 1959
Aiken, SC 29802-1959
(803) 648-0853
ATTORNEY FOR APPELLANT

Other Counsel of Record:
Donald V. Myers, Solicitor
11th Circuit Solicitor's Office
P.O. Box 874
Lexington, SC 29072
(803) 785-8285
ATTORNEY FOR RESPONDENT

THE STATE OF SOUTH CAROLINA
APPEAL FROM EDGEFIELD COUNTY
In the Court of General Sessions
The Honorable R. Knox McMahon

Case Number 05-GS-19-273
Case Number 05-GS-19-457

STATE OF SOUTH CAROLINA RESPONDENT

VS.

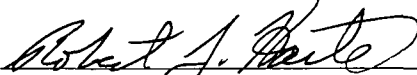
STEVEN BARNES APPELLANT

PROOF OF SERVICE

I certify that I have served the Notice of Intent to Appeal on the above named Respondent by depositing a copy of same in the United States Mail, postage prepaid, on November 19, 2010, addressed to the attorney of record as follows:

Donald V. Myers, Solicitor
11th Circuit Solicitor's Office
P.O. Box 874
Lexington, SC 29072

November 19, 2010


Robert J. Harte
P.O. Box 1959
Aiken, SC 29802-1959
(803) 648-0853
ATTORNEY FOR APPELLANT

ROBERT J. HARTE, P.C.

Attorney at Law

P.O. Box 1959
132 Chesterfield St., S.
Aiken, SC 29802-1959

Telephone: (803) 648-0853
Facsimile: (803) 648-2996

November 19, 2010

RECEIVED

NOV 23 2010

S.C. SUPREME COURT

The Honorable Daniel E. Shearouse
Clerk of the Supreme Court
P.O. Box 11330
Columbia, South Carolina 29211

RE: Appeal from Edgefield County
State of South Carolina v. Steven Barnes
Case Numbers: 05-GS-19-273
Case Numbers: 05-GS-19-457

Dear Mr. Shearouse:

Enclosed please find the Proof of Service in the above referenced case. The Office of Appellate Defense will be handing this appeal.

With kind personal regards, I am

Very truly yours,



Robert J. Harte

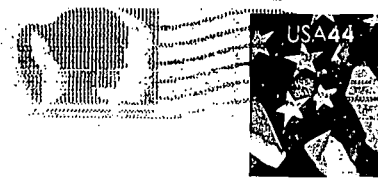
RJH/cwn
enclosures

cc: Donald V. Myers, Solicitor
Shirley F. Newby, Clerk of Court
Office of Appellate Defense

ROBERT J. HARTE, P.C.

Attorney at Law
P.O. Box 1959
132 Chesterfield St., S.
Aiken, SC 29802-1959

AUGUSTA, GA. 309



The Honorable Daniel E. Shearouse
Clerk of the Supreme Court
P.O. Box 11330
Columbia, South Carolina 29211

29211 21330

