

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Lexington County

The Honorable Thomas A. Russo, Circuit Court Judge

RECEIVED

DEC 12 2018

SC Court of Appeals

THE STATE,

Respondent,

v.

SHELLIE LAVETTE DAVIS,

Appellant.

Appellate Case No. 2018-000366

**RETURN TO PETITION FOR
ORDER TO RECONSTRUCT
THE RECORD OF APPELLANT'S
SENTENCING HEARING TRANSCRIPT
OR IN THE ALTERNATIVE
AN ORDER FOR A NEW SENTENCING HEARING**

Respondent is in receipt of Appellant's Petition requesting a reconstruction hearing. After careful review, it is the position of Respondent that the parties proceed with the reconstruction. Respondent finds this measure necessary considering that the Honorable Thomas A. Russo granted Appellant a separate sentencing hearing for the purpose of determining whether Appellant qualified as a battered woman as set forth under S.C. Code Ann. § 16-25-90, and that an external hard drive containing the only record of the hearing was later stolen from the court reporter's car. Given this unfortunate circumstance, it is Respondent's belief that Appellant

cannot be afforded meaningful appellate review without a reconstruction of Appellant's sentencing hearing.

WHEREFORE, Respondent does not oppose Appellant's Petition to reconstruct the April 30, 2014, sentencing hearing.

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

SAMUEL M. BAILEY
Assistant Attorney General
S.C. Bar No. 103131

By: 
Samuel M. Bailey

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

ATTORNEYS FOR RESPONDENT

December 12, 2018.

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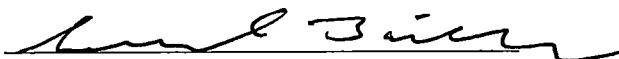
Appellate Case No. 2018-000366

PROOF OF SERVICE

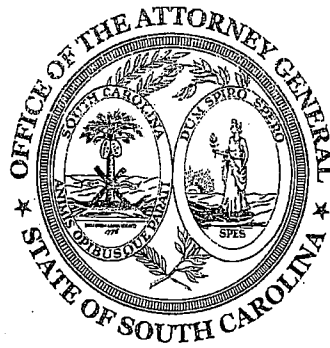
I, Samuel M. Bailey, counsel for the Respondent, certify that I have served the Return to Petition for Order to Reconstruct the Record of Appellant's Sentencing Hearing Transcript, or in the Alternative an Order for a New Sentencing Hearing on Appellant by depositing two (2) copies of the same via U.S. mail, first class, postage prepaid to her attorney of record, Jennifer E. Roberts, Esq. South Carolina Commission on Indigent Defense, Division of Appellate Defense, 1330 Lady Street, Ste. #401, Columbia, SC 29201.

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

This 12th day of December, 2018.


SAMUEL M. BAILEY
Office of Attorney General
P. O. Box 11549
Columbia, South Carolina 29211
(803) 734-6305

ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

December 12, 2018

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

DEC 12 2018

SC Court of Appeals

Re: *The State v. Shellie Lavette Davis*
Appeal from Lexington County
Appellate Case No. 2018-000366

Dear Ms. Kitchings:

Enclosed for filing in your office is the original and six (6) copies of the Respondent's Return to Petition for Order to Reconstruct the Record of Appellant's Sentencing Hearing Transcript, or in the Alternative an Order for a New Sentencing Hearing, and Proof of Service in the above-captioned matter.

Thank you for your assistance in this matter.

Sincerely,

Samuel M. Bailey
Assistant Attorney General

SMB:dmd
Enclosures

cc: Jennifer E. Robets, Esq. (w/two copies of encls.)