

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Greenwood County Court of General Sessions
The Honorable Frank R. Addy Jr., Circuit Court Judge

RECEIVED

JAN 10 2019

SC Court of Appeals

Appellate Case No. 2018-000952

State of South Carolina,.....Respondent,

v.

Dazzelle Demarcus Smith,.....Appellant.

MOTION TO REINSTATE APPEAL

NOW COMES the Appellant, Dazzelle Demarcus Smith, by and through the undersigned and hereby moves this Honorable Court to reinstate the appeal in the above-captioned case.

This motion follows the dismissal of the appeal on December 27, 2018 on the basis of delayed transcript receipt and notification to this Court. Prior to receiving notification of the dismissal, Counsel mailed a letter and attachments about the transcripts' process and receipt on December 21, 2018 and later sent a motion for an extension of time to file and serve Appellant's

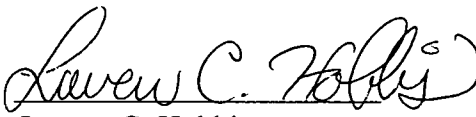
initial brief on December 28, 2018. The letter and email correspondence regarding the transcripts delay and receipt have been attached to this motion for the Court's convenience.

Counsel respectfully requests for the appeal to be reinstated. As per the email correspondence attached, Counsel followed up with the court reporter beginning the date of the transcript order for both the trial transcript and the post-trial hearing transcript to the receipt of the remaining transcript. Counsel experienced difficulty making contact with the court reporter by email or by telephone after receiving the transcript for the trial in September because as later informed, the court reporter had since obtained new employment and the email address used for transcript orders was no longer in service and she otherwise could not be reached by phone for some time. The court reporter informed Counsel by email that she was going to request an extension to finish the remaining transcript and that she had been previously granted permission to continue completing any outstanding transcripts. Counsel reached out to Michelle Owings at Court Administration to see if a request for an extension to complete the transcript had previously been made; Ms. Owings was not available. The undersigned received the remaining transcript, the transcript from the hearing on the post-trial motion, on December 5, 2018¹ and has already begun drafting the brief and anticipates it will be completed shortly without any further or undue delay. Notwithstanding the correspondence with the court reporter and understanding that an extension to complete the transcript had been made, the delay in providing an update about the transcript receipt process was an oversight for which the undersigned takes responsibility. The undersigned respectfully requests for the appeal to be reinstated and respectfully submits that the ends of justice and Appellant's right to direct appeal are served by granting this motion.

¹ The letter regarding the transcript states receipt of the remaining transcript as December 6, 2018. This was a clerical error.

Respectfully submitted,

WILLIAM G. YARBOROUGH III
LAUREN C. HOBBS

By: 
Lauren C. Hobbs
South Carolina Bar #103190

William G. Yarborough III, Attorney at Law, LLC
522 North Church Street Greenville, SC 29601
(864) 331-1612

COUNSEL FOR APPELLANT

Greenville SC
January 7, 2019

LAW OFFICE OF WILLIAM G. YARBOROUGH, III

522 N. Church St. Greenville, SC 29601 • Office: (864) 331-1612 • wgyarborough@gmail.com

December 21, 2018

The Honorable Jenny Kitchings
Clerk of Court, S.C. Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

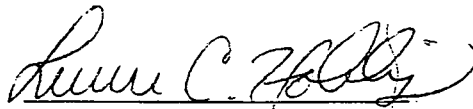
RECEIVED
JAN 10 2019
SC Court of Appeals

Re: The State of South Carolina v. Dazzelle Smith
Appellate Case No. 2018-000952

Dear Ms. Kitchings,

I apologize for the delay in updating you on the status of this transcript. We had received the trial transcript for the above-captioned case back in September or so, but were still waiting on the transcript for the post trial-hearing held in May 2018. Our office then intermittently experienced difficulty getting in contact with the court reporter, Tara Scott, because we were informed she had changed positions and was no longer at the Greenwood County Courthouse. I was able to get in touch with her a few times by email and phone since and informed her of the notice we received about the transcript from this Court and her filing an extension. She also informed me that she had asked for two extensions from the Court Administration office. The email correspondence is attached to this letter. We received the transcript for the post-trial hearing on December 6, 2018. Please do not hesitate to contact our office should you have any additional questions or concerns.

Sincerely,



Lauren C. Hobbis, #103190



Lauren h <laurenwgylaw@gmail.com>

Transcript Order - Dazzelle Smith, Trial and motion for a new trial

Lauren h <laurenwgylaw@gmail.com>
To: taratscott1849@gmail.com

Mon, Jun 18, 2018 at 4:49 PM

Dear Ms. Scott,

I hope this email finds you well.

I am contacting you regarding a trial and motion hearing transcript order for Dazzelle Smith (Indictment: 2017GS2401634, 2017GS2400594, 2017GS2400593). He was tried in Greenwood County before the Honorable Judge Addy from April 09, 2018 through April 10, 2018, I believe.

I was also wondering if you may have been the court reporter for the motion for a new trial hearing held in the same case before Judge Addy on May 11, 2018.

From our office's records, there was a some confusion as to whether we may have already sent you a transcript order for both the trial and the hearing. If this is the first transcript order you have received from our office for this case, I apologize and a hard copy transcript order has been mailed to you. At your convenience, upon forwarding an invoice for both transcripts to our office by email or mail, our office will remit payment to you promptly. I appreciate your help in this matter and please let me know if you need any additional information from me.

Sincerely,

Lauren Hobbis, Esq.
William G. Yarborough III, Attorney at Law, LLC
522 N. Church St., Greenville SC 29601
(864) 331-1612



Lauren h <laurenwgylaw@gmail.com>

State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594 2017-GS-24-00593

Scott, Tara T. <tscott@sccourts.org>
To: "laurenwgylaw@gmail.com" <laurenwgylaw@gmail.com>
Cc: transcripts <transcripts@sccourts.org>

Tue, Jun 19, 2018 at 12:38 PM

Ms. Hobbis,

Good afternoon. I received your email today (copied below) in reference to transcripts in the above captioned case. Please note for future correspondence that I am replying on my sccourts email. I have reviewed my records and do not have any requests prior to this one for the April 9-10, 2018 trial of the State v Dazzelle Smith or the May 18, 2018 Motion for new trial. I was the court reporter for both.

I estimate that a transcript of the April 9-10, 2018 trial will be approximately 270 pages at a cost of \$3.25 per page for a total of \$877.50. I estimate that a transcript of the May 11, 2018 hearing will be approximately 20 pages at a cost of \$3.25 per page for a total of \$65.00.

Upon receipt of payment to Tara T. Scott at the address below, I will place these two requests in line for production. Under our rules I am allowed 60 days to prepare these transcripts. Extensions of time may be granted if necessary, and you will be notified if an extension of time for production is granted. My 60 days will commence upon receipt of payment. Please contact me via email if you have any questions.

Sincerely,
Tara

Tara T. Scott, CVR

Official Court Reporter

Eighth Judicial Circuit

tscott@sccourts.org <mailto:tscott@sccourts.org>

1849 Stevenson Road

Abbeville, SC 29620

(864) 992-9544

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Sincerely,

Lauren Hobbs, Esq.

William G. Yarborough III, Attorney at Law, LLC

522 N. Church St., Greenville SC 29601 <[https://maps.google.com/?q=522+N.+Church+St.,+Greenville+SC+29601+\(864&entry=gmail&source=g](https://maps.google.com/?q=522+N.+Church+St.,+Greenville+SC+29601+(864&entry=gmail&source=g)>

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WILLIAM G YARBOROUGH III ATT AT LAW  
522 N CHURCH ST  
GREENVILLE SC 29601-2104

1323

67-448/539 SC  
1679

DATE 6-21-18

PAY  
TO THE  
ORDER OF

TARA T. SCOTT

\$ 875.50

Eight Hundred Seventy Five and 50/100 DOLLARS

Bank of America 

ACH REF 053904483

Photo  
Safe  
Deposit  
Cards on back

*WGA*

FOR DAZELLE SCOTT

⑈001323⑈ ⑆053904483⑆ 223017401563⑈



Lauren h <laurenwgylaw@gmail.com>

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**State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594 2017-GS-24-00593**

---

Scott, Tara T. <tscott@sccourts.org>

Sun, Sep 16, 2018 at 10:27 PM

To: "laurenwgylaw@gmail.com" <laurenwgylaw@gmail.com>

Good evening, Lauren.

Please find attached the requested transcript of the above captioned trial held on April 9-10, 2018. I will send the May 18th motion hearing transcript to you as soon as it is complete. When I complete the May hearing I will also send an invoice reflecting the corrected cost of the transcripts reflecting the amount paid in advance, and then mail a refund check to you for the overage. Please let me know how Mr. Yarborough would like the check made out and verify the mailing address at your convenience.

Please let me know if you have any questions. I anticipate having the second transcript to you very soon.

Tara

Tara T. Scott, CVR

Official Court Reporter

Eighth Judicial Circuit

tscott@sccourts.org<mailto:tscott@sccourts.org>

1849 Stevenson Road

Abbeville, SC 29620

(864) 992-9544

---

From: Scott, Tara T.

Sent: Tuesday, June 19, 2018 12:38 PM

To: laurenwgylaw@gmail.com

Cc: transcripts

Subject: State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594 2017-GS-24-00593

[Quoted text hidden]

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 **State of SC v Dazelle Smith April 9-10 2018.pdf**  
321K



Lauren h <laurenwgylaw@gmail.com>

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**State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594 2017-GS-24-00593**

---

Lauren h <laurenwgylaw@gmail.com>

Tue, Sep 18, 2018 at 10:45 AM

To: tscott@sccourts.org

Ms. Scott,

Thank you for the transcript. William G. Yarborough III, Attorney at Law, LLC is fine, our mailing address is 522 N. Church St., Greenville SC 29601. I am wondering though why we may need to be refunded though. If there has been a mistake on our end, I apologize and we will work to fix it promptly.

Sincerely,

Lauren C. Hobbis

[Quoted text hidden]

—



Lauren h <laurenwgylaw@gmail.com>

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**State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594 2017-GS-24-00593**

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To: Lauren h <laurenwgylaw@gmail.com>

Tue, Sep 18, 2018 at 11:11 AM

Oh, sorry I wasn't clear. There was no mistake on your end at all.

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Eighth Judicial Circuit

tscott@sccourts.org<mailto:tscott@sccourts.org>

1849 Stevenson Road

Abbeville, SC 29620

(864) 992-9544

---

From: Lauren h <laurenwgylaw@gmail.com>  
Sent: Tuesday, September 18, 2018 10:45 AM  
To: Scott, Tara T.

Subject: Re: State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594 2017-GS-24-00593

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To: laurenwgylaw@gmail.com<mailto:laurenwgylaw@gmail.com>

Cc: transcripts

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William G. Yarborough III, Attorney at Law, LLC

522 N. Church St., Greenville SC 29601<<https://maps.google.com/?q=522+N.+Church+St><[\[Quoted text hidden\]](https://urdefense.proofpoint.com/v2/url?u=https-3A__maps.google.com_-3Fq-3D522-2BN.-2BChurch-2BSt&d=DwMFaQ&c=YGvVmrQQ6VQOFx3Z93C9uQ&r=5xtXuOcj62_sMbcbfdWapTtdM6WJED0H1dX0jIQAM&m=Ow4fDAIW3qQx9hjBS-OhTN7BMZ5FgGvNii1y9F9Qj3U&s=1s6mDAbkO5spnoKtWKbS6ShIUAB6YRIGefSytx1ekgl&e=>.,+ Greenville+SC+29601+(864&entry=gmail&source=g></p></div><div data-bbox=)



Lauren h <laurenwgylaw@gmail.com>

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**State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594 2017-GS-24-00593**

---

Lauren h <laurenwgylaw@gmail.com>  
To: tscott@sccourts.org

Tue, Sep 18, 2018 at 11:16 AM

Ms. Scott,

Oh I misunderstood, no problem. Let us know if you need anything else from us on our end. Thank you!

[Quoted text hidden]

-



Lauren h <laurenwgylaw@gmail.com>

---

**State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594 2017-GS-24-00593**

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Lauren h <laurenwgylaw@gmail.com>  
To: tscott@sccourts.org

Thu, Nov 1, 2018 at 11:20 AM

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Thank you.

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Lauren C. Hobbis

[Quoted text hidden]

—  
**Lauren C. Hobbis, Associate Attorney**  
William G. Yarborough III, Attorney at Law, LLC

---

**A** 522 North Church Street Greenville, SC 29601  
**O** (864)-331-1612 **W** <https://www.wgylaw.com/>

---

IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.



Lauren h <laurenwgylaw@gmail.com>

**State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594 2017-GS-24-00593**

Mail Delivery Subsystem <mailer-daemon@googlemail.com>  
To: laurenwgylaw@gmail.com

Thu, Nov 1, 2018 at 11:20 AM



## Address not found

Your message wasn't delivered to **tscott@sccourts.org** because the address couldn't be found, or is unable to receive mail.

The response from the remote server was:

550 5.1.1 User Unknown

Final-Recipient: rfc822; tscott@sccourts.org  
Action: failed  
Status: 5.1.1  
Remote-MTA: dns; mxb-0019b901.gslb.pphosted.com. (67.231.149.219, the server for the domain sccourts.org.)  
Diagnostic-Code: smtp; 550 5.1.1 User Unknown  
Last-Attempt-Date: Thu, 01 Nov 2018 08:20:59 -0700 (PDT)

----- Forwarded message -----

From: Lauren h <laurenwgylaw@gmail.com>  
To: tscott@sccourts.org  
Cc:  
Bcc:  
Date: Thu, 1 Nov 2018 11:20:47 -0400  
Subject: Re: State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594 2017-GS-24-00593  
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> Tara T. Scott, CVR

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> Official Court Reporter

>

> Eighth Judicial Circuit

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> 1849 Stevenson Road

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> Abbeville, SC 29620

>

> (864) 992-9544

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> Sent: Tuesday, September 18, 2018 10:45 AM

> To: Scott, Tara T.

> Subject: Re: State of SC v Dazzelle Smith 2017-GS-24-01634

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> Tara  
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>  
> Tara T. Scott, CVR  
>  
> Official Court Reporter  
>  
> Eighth Judicial Circuit  
>  
> tscott@sccourts.org<mailto:tscott@sccourts.org><mailto:tscott@sccourts.org  
> <mailto:tscott@sccourts.org>>  
>  
> 1849 Stevenson Road  
>  
> Abbeville, SC 29620  
>  
> (864) 992-9544  
>  
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>  
>

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> From: Scott, Tara T.  
> Sent: Tuesday, June 19, 2018 12:38 PM  
> To: laurenwgylaw@gmail.com<mailto:laurenwgylaw@gmail.com>  
> Cc: transcripts  
> Subject: State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594  
> 2017-GS-24-00593

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— Message truncated —



Lauren h <laurenwgylaw@gmail.com>

---

**State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594 2017-GS-24-00593**

---

Lauren h <laurenwgylaw@gmail.com>  
To: tscott@sccourts.org

Fri, Nov 2, 2018 at 2:12 PM

Ms. Scott,

I hope this email finds you well.

I am contacting you for an update on the transcript order for the hearing for a post trial motion held on May 11, 2018.

Thank you.

[Quoted text hidden]

---

**Lauren C. Hobbis, Associate Attorney**  
William G. Yarborough III, Attorney at Law, LLC

---

A 522 North Church Street Greenville, SC 29601  
O (864)-331-1612 W <https://www.wgylaw.com/>

---

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Lauren h <laurenwgylaw@gmail.com>

---

**State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594 2017-GS-24-00593**

---

**Mail Delivery Subsystem** <mailer-daemon@googlemail.com>  
To: laurenwgylaw@gmail.com

Fri, Nov 2, 2018 at 2:12 PM

[Quoted text hidden]

Final-Recipient: rfc822; tscott@sccourts.org  
Action: failed  
Status: 5.1.1  
Remote-MTA: dns; mx1-0019b901.gslb.pphosted.com. (67.231.157.214, the server  
for the domain sccourts.org.)  
Diagnostic-Code: smtp; 550 5.1.1 User Unknown  
Last-Attempt-Date: Fri, 02 Nov 2018 11:12:55 -0700 (PDT)

----- Forwarded message -----

From: Lauren h <laurenwgylaw@gmail.com>  
To: tscott@sccourts.org  
Cc:  
Bcc:  
Date: Fri, 2 Nov 2018 14:12:43 -0400  
Subject: Re: State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594 2017-GS-24-00593  
----- Message truncated -----



Lauren h <laurenwgylaw@gmail.com>

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**State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594 2017-GS-24-00593**

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Lauren h <laurenwgylaw@gmail.com>  
To: Tara Scott <taratscott1849@gmail.com>

Fri, Nov 2, 2018 at 2:18 PM

Ms. Scott,

I hope this email finds you well.

I have forwarded the below correspondence to your sccourts email that was sent back to me. I also left a message for you at the number listed in your email signature. Please give me a call at (864) 331-1612 or by email about the motion hearing transcript whenever you have a moment. Thank you !

——— Forwarded message ———

From: Lauren h <laurenwgylaw@gmail.com>

Date: Fri, Nov 2, 2018 at 2:12 PM

Subject: Re: State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594 2017-GS-24-00593

To: <tscott@sccourts.org>

[Quoted text hidden]

[Quoted text hidden]



Lauren h <laurenwgylaw@gmail.com>

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**State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594 2017-GS-24-00593**

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Tara Scott <taratscott1849@gmail.com>

Thu, Nov 8, 2018 at 8:37 AM

To: Lauren h <laurenwgylaw@gmail.com>

Hey Lauren. I'm sorry I haven't gotten back to you about this transcript before now. Tried to call earlier but your voice mailbox is full. I am going to get this to you as soon as possible. The reason for my delay is that I have changed jobs and I am no longer a court reporter for the state. I started my new job two weeks ago with the solicitors office in Greenwood. I did not know that on my last day of employment that IT would automatically disconnect my email and I lost all of my contact information for my outstanding transcripts. I had a list of people to try and find contact info for, just have not been able to do that yet. Sorry for the long explanation, but I wanted you to understand that I did not forget about this. I will have this to you as soon as possible along with an invoice and any refund amount for pre-payment. Thank you so much for your patience. Tara

[Quoted text hidden]



Lauren h <laurenwgylaw@gmail.com>

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**State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594 2017-GS-24-00593**

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Tara Scott <taratscott1849@gmail.com>  
To: Lauren h <laurenwgylaw@gmail.com>

Thu, Nov 8, 2018 at 8:39 AM

My cell phone number has not changed, so that is still a good number that you have 864-992-9544. Please use this email address in the future as the other is no longer in service. Court administration has granted me permission to continue to produce Transcripts.

[Quoted text hidden]



Lauren h <laurenwgylaw@gmail.com>

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**State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594 2017-GS-24-00593**

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Lauren h <laurenwgylaw@gmail.com>  
To: Tara Scott <taratscott1849@gmail.com>

Wed, Nov 14, 2018 at 3:35 PM

Ms. Scott,

I hope you are enjoying the Greenwood Solicitor's Office. I completely understand the mix up. Please advise as to the completion of the transcript for the post-trial hearing motion and the total cost for both transcripts and we will get payment to you promptly.

Thank you

Sincerely,

Lauren

[Quoted text hidden]



Lauren h <laurenwgylaw@gmail.com>

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**State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594 2017-GS-24-00593**

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Lauren h <laurenwgylaw@gmail.com>

To: Tara Scott <taratscott1849@gmail.com>

Fri, Nov 30, 2018 at 10:36 AM

Ms. Scott,

We received a notice from the Court of Appeals about the transcript status. I will send the Court a letter explaining the status of the transcript, but I also believe you may have needed to request an extension with the South Carolina Court Administration as well. If you are able to ask for an extension as soon as possible, it would be greatly appreciated.

Sincerely,

Lauren C. Hobbis

[Quoted text hidden]



Lauren h <laurenwgylaw@gmail.com>

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**State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594 2017-GS-24-00593**

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Tara Scott <taratscott1849@gmail.com>  
To: Lauren h <laurenwgylaw@gmail.com>

Fri, Nov 30, 2018 at 10:38 AM

Yes, I will do that today. Thank you for letting me know. I will get this transcript to you ASAP.

Tara

[Quoted text hidden]



Lauren h <laurenwgylaw@gmail.com>

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**State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594 2017-GS-24-00593**

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Tara Scott <taratscott1849@gmail.com>  
To: Lauren h <laurenwgylaw@gmail.com>

Wed, Dec 5, 2018 at 5:21 PM

Lauren,  
Please find attached the requested transcript of the Motion for a new trial in the case of the State of SC v Dazzelle Smith. I will go ahead and send this out now, and then go back and look at the other transcript and figure any difference in payment so that I can get a refund to you.

Tara

[Quoted text hidden]

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 **State v Dazzelle Smith Motion hearing.pdf**  
77K



Lauren h <laurenwgylaw@gmail.com>

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**State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594 2017-GS-24-00593**

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Tara Scott <taratscott1849@gmail.com>  
To: Lauren h <laurenwgylaw@gmail.com>

Wed, Dec 5, 2018 at 5:40 PM

Lauren,

The original estimate that I gave you for these two transcripts was \$877.50, which I have received payment in full. When they were completed the two invoices would only be \$780.00, so I will send you a refund for the overage of \$97.50. Thank you for your patience. Please also thank Mr. Yarborough for his patience.

Have a wonderful Christmas and a Happy New Year.

Tara

On Tue, Sep 25, 2018 at 2:43 PM Scott, Tara T. <tscott@sccourts.org> wrote:

Tara T. Scott, CVR

Official Court Reporter

Eighth Judicial Circuit

tscott@sccourts.org <mailto:tscott@sccourts.org>

1849 Stevenson Road

Abbeville, SC 29620

(864) 992-9544

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From: Lauren h <laurenwgylaw@gmail.com>

Sent: Tuesday, September 18, 2018 11:16 AM

To: Scott, Tara T.

Subject: Re: State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594 2017-GS-24-00593

Ms. Scott,

Oh I misunderstood, no problem. Let us know if you need anything else from us on our end. Thank you!

On Tue, Sep 18, 2018 at 11:11 AM Scott, Tara T. <tscott@sccourts.org <mailto:tscott@sccourts.org>> wrote:

Oh, sorry I wasn't clear. There was no mistake on your end at all.

My estimate for payment was just an estimate on page numbers. I don't really ever know an exact number of pages until it's completed.

I anticipate that I have estimated a little too high, so will send you the overage paid when I'm done with the motion hearing transcript. Will get that to you asap.

I've received \$877.50 from your office already (check #1323).

Tara

Tara T. Scott, CVR

Official Court Reporter

Eighth Judicial Circuit

tscott@sccourts.org<mailto:tscott@sccourts.org><mailto:tscott@sccourts.org<mailto:tscott@sccourts.org>>

1849 Stevenson Road

Abbeville, SC 29620

(864) 992-9544

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From: Lauren h <laurenwgylaw@gmail.com<mailto:laurenwgylaw@gmail.com>>

Sent: Tuesday, September 18, 2018 10:45 AM

To: Scott, Tara T.

Subject: Re: State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594 2017-GS-24-00593

Ms. Scott,

Thank you for the transcript. William G. Yarborough III, Attorney at Law, LLC is fine, our mailing address is 522 N. Church St., Greenville SC 29601. I am wondering though why we may need to be refunded though. If there has been a mistake on our end, I apologize and we will work to fix it promptly.

Sincerely,

Lauren C. Hobbis

On Sun, Sep 16, 2018 at 10:28 PM Scott, Tara T. <tscott@sccourts.org<mailto:tscott@sccourts.org><mailto:tscott@sccourts.org<mailto:tscott@sccourts.org>>> wrote:

Good evening, Lauren.

Please find attached the requested transcript of the above captioned trial held on April 9-10, 2018. I will send the May 18th motion hearing transcript to you as soon as it is complete. When I complete the May hearing I will also send an invoice reflecting the corrected cost of the transcripts reflecting the amount paid in advance, and then mail a refund check to you for the overage. Please let me know how Mr. Yarborough would like the check made out and verify the mailing address at your convenience.

Please let me know if you have any questions. I anticipate having the second transcript to you very soon.

Tara

Tara T. Scott, CVR

Official Court Reporter

Eighth Judicial Circuit

tscott@sccourts.org<mailto:tscott@sccourts.org><mailto:tscott@sccourts.org<mailto:tscott@sccourts.org>>>  
<mailto:tscott@sccourts.org<mailto:tscott@sccourts.org><mailto:tscott@sccourts.org<mailto:tscott@sccourts.org>>>

1849 Stevenson Road

Abbeville, SC 29620

(864) 992-9544

From: Scott, Tara T.

Sent: Tuesday, June 19, 2018 12:38 PM

To: laurenwgylaw@gmail.com<mailto:laurenwgylaw@gmail.com><mailto:laurenwgylaw@gmail.com<mailto:laurenwgylaw@gmail.com>>

Cc: transcripts

Subject: State of SC v Dazzelle Smith 2017-GS-24-01634 2017-GS-24-00594 2017-GS-24-00593

Ms. Hobbis,

Good afternoon. I received your email today (copied below) in reference to transcripts in the above captioned case. Please note for future correspondence that I am replying on my sccourts email. I have reviewed my records and do not have any requests prior to this one for the April 9-10, 2018 trial of the State v Dazzelle Smith or the May 18, 2018 Motion for new trial. I was the court reporter for both.

I estimate that a transcript of the April 9-10, 2018 trial will be approximately 270 pages at a cost of \$3.25 per page for a total of \$877.50. I estimate that a transcript of the May 11, 2018 hearing will be approximately 20 pages at a cost of \$3.25 per page for a total of \$65.00.

Upon receipt of payment to Tara T. Scott at the address below, I will place these two requests in line for production. Under our rules I am allowed 60 days to prepare these transcripts. Extensions of time may be granted if necessary, and you will be notified if an extension of time for production is granted. My 60 days will commence upon receipt of payment. Please contact me via email if you have any questions.

Sincerely,  
Tara

Tara T. Scott, CVR

Official Court Reporter

Eighth Judicial Circuit

tscott@sccourts.org<mailto:tscott@sccourts.org><mailto:tscott@sccourts.org<mailto:tscott@sccourts.org>>  
<mailto:tscott@sccourts.org<mailto:tscott@sccourts.org><mailto:tscott@sccourts.org<mailto:tscott@sccourts.org>>>

1849 Stevenson Road

Abbeville, SC 29620

(864) 992-9544

Dear Ms. Scott,

I hope this email finds you well.

I am contacting you regarding a trial and motion hearing transcript order for Dazzelle Smith (Indictment: 2017GS2401634, 2017GS2400594, 2017GS2400593). He was tried in Greenwood County before the Honorable Judge Addy from April 09, 2018 through April 10, 2018, I believe.

I was also wondering if you may have been the court reporter for the motion for a new trial hearing held in the same case before Judge Addy on May 11, 2018.

From our office's records, there was a some confusion as to whether we may have already sent you a transcript order for both the trial and the hearing. If this is the first transcript order you have received from our office for this case, I apologize and a hard copy transcript order has been mailed to you. At your convenience, upon forwarding an invoice for both transcripts to our office by email or mail, our office will remit payment to you promptly. I appreciate your help in this matter and please let me know if you need any additional information from me.

Sincerely,

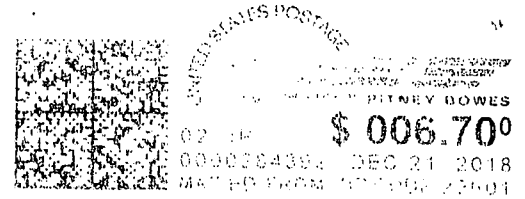
Lauren Hobbis, Esq.

William G. Yarborough III, Attorney at Law, LLC

522 N. Church St., Greenville SC 29601 <<https://maps.google.com/?q=522+N.+Church+St><<https://>

urldefense.proofpoint.com/v2/url?u=https-3A\_\_maps.google.com\_-3Fq-3D522-2BN.-2BChurch-2BSt&d=DwMFaQ&c=YGvVmrQQ6VQOFx3Z93C9uQ&r=5xtXuOcj62\_sMbcbfdWapTtdM6WJED0H1dX0jlQAM&m=yRUXt9dY\_WqjAIY9dhc2bZZXs0Mn0nzgGE-pXwclqLA&s=EfqzeEk1ie-ss8uRkRllyRomk6HWWugEF0RB\_WKIkQM8&e=><https://urldefense.proofpoint.com/v2/url?u=https-3A\_\_maps.google.com\_-3Fq-3D522-2BN.-2BChurch-2BSt&d=DwMFaQ&c=YGvVmrQQ6VQOFx3Z93C9uQ&r=5xtXuOcj62\_sMbcbfdWapTtdM6WJED0H1dX0jlQAM&m=Ow4fDAIW3qQx9hjBS-OhTN7BMZ5FgGvNli1y9F9Qj3U&s=1s6mDAbkO5spnoKtWKbS6ShIUAB6YRIgefSytx1ekgl&e=>.,+Greenville+SC+29601+(864&entry=gmail&source=g>

~~~~ 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.



William G. Yarborough III, Attorney at Law LLC
522 N. Church Street
Greenville, SC 29601

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

William G. Yarborough III, Attorney at Law LLC
522 N. Church Street
Greenville, SC 29601

Senior Assistant Deputy Attorney General J. Benjamin Aplin
South Carolina Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Greenwood County Court of General Sessions
The Honorable Frank R. Addy Jr., Circuit Court Judge

RECEIVED

JAN 10 2019

SC Court of Appeals

Appellate Case No. 2018-000952

State of South Carolina,.....Respondent,

v.

Dazzelle Smith,.....Appellant.

PROOF OF SERVICE

The undersigned hereby certifies that one (1) original motion to reinstate the appeal and six (6) true copies were filed with this Court, this day, the 7th of January, 2019, through the United States mail with sufficient postage attached addressed to:

The Honorable Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

The undersigned further certifies that one (1) true copy of the motion to reinstate was served upon the Respondent this day, the 7th of January, 2019, through the United States mail with sufficient postage attached addressed to:

Senior Assistant Deputy Attorney General J. Benjamin Aplin
South Carolina Attorney General's Office
Post Office Box 11549
Columbia, South Carolina 29211

The undersigned further certifies that all parties required to be served pursuant to the appellate court rules have been served.

This 7th day of January, 2019

A handwritten signature in cursive script that reads "Lauren C. Hobbis". The signature is written in black ink and is positioned above a horizontal line.

Lauren C. Hobbis, SC Bar #103190
William G. Yarborough III, Attorney at Law, LLC

LAW OFFICE OF WILLIAM G. YARBOROUGH, III

522 N. Church St. Greenville, SC 29601 • Office: (864) 331-1612 • wgvarborough@gmail.com

January 7, 2019

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

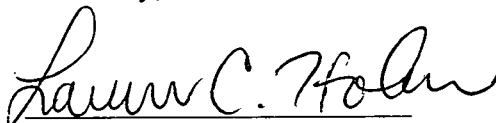
RECEIVED
JAN 10 2019
SC Court of Appeals

Re: The State of South Carolina v. Dazzelle Smith
Appellate Case No. 2018-000952

Dear Ms. Kitchings,

Enclosed you will find an original motion to reinstate the appeal in the above-captioned case, seven (7) copies of the motion, a copy of the December 21, 2018 letter and attached email correspondence as an attachment to the motion to reinstate, and an original certificate of service. A self-addressed and posted envelope has also been enclosed as well if your office would not mind mailing the additional copy of the motion clocked back to our office. Please do not hesitate to contact me should you have any questions or concerns. Thank you.

Sincerely,



Lauren C. Hobbis, #103190