

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas  
Alison Renee Lee, Presiding Judge

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MAR 07 2019

**SC Court of Appeals**

Case No. 2016-CP-32-01385

Appellate Case No. 2018-002157

Richie D. Barnes,..... Respondent,

v.

James Reese,..... Appellant.

SUPPLEMENTAL MOTION TO DISMISS APPEAL

THIS SUPPLEMENTAL MOTION TO DISMISS APPEAL SUPPLEMENTS THE MOTION TO DISMISS APPEAL FILED BY RESPONDENT ON JANUARY 18, 2019.

Respondent, Richie D. Barnes, hereby supplements his Motion to Dismiss Appeal, as follows:

According to attached email from Steve LeBlanc, the court reporter, dated March 5, 2019, Appellant has made no arrangements with him to produce a transcript. It therefore appears that Appellant has failed timely to “make satisfactory arrangements. . . with the court reporter for furnishing the transcript” in accordance with Rule 207(a)(1), SCACR.

If this appeal were effective as of December 17, 2018, Appellant should have made “satisfactory arrangements” with the court reporter within ten days thereafter, or by December 27,

2018 (or within a few days thereafter due to holiday closings). Even assuming that the ten-day-period began to run on February 20, 2019, when the court reporter requested an advance payment of the estimated cost of producing the transcript (which request resulted in no response whatsoever from Appellant), the ten-day-period ran on March 4, 2019.

The transcript has not been timely ordered, in accordance with Rule 207(a)(1), SCACR. For this reason, the appeal should be dismissed.



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Leonard R. Jordan, Jr., #3221  
JORDAN LAW FIRM  
211 Veterans Road, Suite D  
Columbia, South Carolina 29209  
(803) 726-1950 Tel  
(803) 726-1951 Fax  
ljordan@ljordanlaw.com  
Attorney for Respondent

Columbia, South Carolina  
March 6, 2019

## Leonard R. Jordan, Jr.

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**From:** LeBlanc, Steven <sleblanc@sccourts.org>  
**Sent:** Tuesday, March 05, 2019 8:58 PM  
**To:** Leonard R. Jordan, Jr.  
**Cc:** transcripts  
**Subject:** Richie Barnes vs. James Reese 2016CP32-01385  
**Attachments:** Letter.pdf

Mr. Jordan, in reply to your email request this day 3/5/19 pertaining to above referenced matter; I'll try to be as concise as possible. First off I have forwarded to you all of the correspondence I have received from Mr. Reese. On 12/27/18 I received an email from sharon12357@gmail.com<mailto:sharon12357@gmail.com> with James Reese's name at the bottom requesting a transcript for a proceeding held on 11/8/2016. I also picked up a certified letter at my PO on 12/31/18 which contained the same email. This is the one and only request I have received to date pertaining to this case from Mr. Reese. I replied to the 12/27/18 email from Mr. Reese to sharon12357@gmail.com<mailto:sharon12357@gmail.com> on 12/30/2018 indicating that I was not the reporter that reported their proceedings on 11/8/2016. As I have indicated in my prior emails, court reporters, or at least I have for almost 44 years, file our transcripts by date and the style Barnes vs. Reese did not trigger anything with me. I searched my records for the date of 11/8/2016 and could find nothing pertaining to this case on that date and indicated such in my reply email on 12/30/2018 to Mr. Reese at sharon12357@gmail.com<mailto:sharon12357@gmail.com>. I received an email from you on 2/20/2019 and realized then that the correct date was 11/5-7/2018 pertaining to this matter and replied to you and Mr. Reese by sending a prepayment letter addressed to Mr. Reese at sharon12357@gmail.com<mailto:sharon12357@gmail.com> on 2/20/2019 attached hereto. I also sent by certified mail the prepayment letter to Mr. Reese on 2/25/2019 since I had his address on his certified letter envelope. To date I have received NO response to my emails or certified letter and I still to this date have not received an official request from Mr. Reese requesting the transcript pertaining to the date of 11/5-7/2018 even after sending my reply email on 12/30/2018, and my prepayment letter by email on 2/20/2019 and by certified letter on 2/25/2019. I have only received one email from Mr. Reese dated 12/27/2018 and Mr. Reese's certified letter which are the same and contain the wrong proceeding date which I believe is what has led to this confusion. I apologize for this email being so long and hope this helps and isn't too convoluted. Let me know if I can be of any further assistance. Thanks, Steve.

~~~~ 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.

Steven E. LeBlanc, R.P.R.  
Circuit Court Reporter  
Eleventh Judicial Circuit  
P.O. Box 184  
Lexington, South Carolina 29071  
sleblanc@sccourts.org

February 20, 2019

James Reese  
sharon12357@gmail.com

In Re: Richie Barnes vs. James Reese.  
Obtaining transcript.

Dear Mr. Reese:

In reply to your transcript request, In Re: Richie Barnes vs. James Reese, case number 2016-CP-32-01385, a jury trial held before the Honorable Judge Alison Lee, on November 5th thru 7th, 2018 at the Lexington County Courthouse, Lexington, South Carolina.

Transcript cost is \$4.25 per page. I am estimating the transcript will be 670 pages in length. If you would like to receive this transcript, I will need to receive \$2847.50 to cover the cost of the transcript. Upon receipt of payment in the amount of \$2847.50 payable to me and delivered to the address listed above the transcript will be prepared and forwarded to you. If I have overestimated the amount due, you will receive a refund of unused funds along with the transcript of record.

I am given sixty (60) days in which to prepare the record. Extensions of time may be granted if necessary. My sixty (60) days will not commence until receipt of payment in the amount of \$2847.50. Court reporters are not required by State or Federal law to provide free transcripts. If you do not wish to order this transcript, no further contact is necessary.

Sincerely,

Steve LeBlanc

cc: South Carolina Court Administration

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In The Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
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Case No. 2016-CP-32-01385

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Appellate Case No. 2018-002157

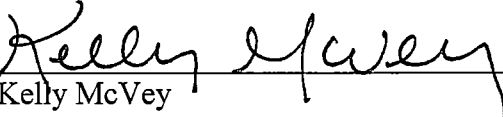
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CERTIFICATE OF MAILING

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I, Kelly McVey, of Jordan Law Firm, attorney for the Respondent, Richie D. Barnes, hereby certify that I have, this 6<sup>th</sup> day of March, 2019, served a copy of the attached Supplemental Motion to Dismiss Appeal upon James Reese, Appellant, by mailing a copy thereof to him, postage prepaid, to the address indicated below:

Mr. James Reese  
717 Cindy Drive  
Columbia, SC 29203

  
Kelly McVey

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MAR 07 2019  
SC Court of Appeals

LEONARD R. JORDAN, JR.  
TELEPHONE: (803) 726-1950  
DIRECT LINE: (803) 255-0650  
EMAIL: LJORDAN@LJORDANLAW.COM

**JORDAN**  
**LAW FIRM**  
LEONARD JORDAN, ATTORNEY, LLC

211 VETERANS ROAD, SUITE D  
COLUMBIA, SOUTH CAROLINA 29209  
TOLL FREE: (866) 222-1044  
FACSIMILE: (803) 726-1951

March 6, 2019

The Honorable V. Claire Allen  
Deputy Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

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MAR 07 2019  
SC Court of Appeals

RE: Richie D. Barnes vs. James Reese; Appellate Case No.: 2018-002157

Dear Ms. Allen:

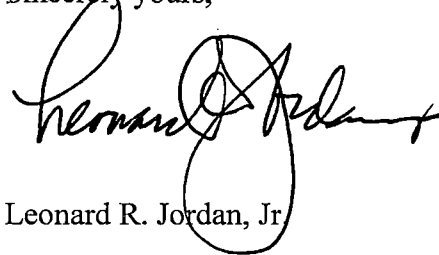
Enclosed for recording are the original and one (1) copy of a Supplemental Motion to Dismiss Appeal. I would appreciate your recording the original, and returning the clocked-copy to me in the enclosed envelope.

Recording fees were paid on first Motion to Dismiss Appeal, which was filed on January 18, 2019.

If you have any questions regarding this matter, please do not hesitate to contact me.

Thanking you in advance for your cooperation in this matter, I am

Sincerely yours,



Leonard R. Jordan, Jr

LRJjr/km  
Enclosure  
cc: Mr. James Reese

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211 VETERANS ROAD, SUITE D  
COLUMBIA, SC 29209

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