

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Honorable Alexander S. Macaulay, Circuit Court Judge
Appellate Case Tracking No. 2020-000081

The State,

vs.

John Alexander Webb,

Appellant,
RECEIVED
MAR 03 2020
Respondent.
SC Court of Appeals

**RETURN TO MOTION TO DISMISS AND
MOTION TO ACCEPT TRANSCRIPT REQUEST OUT OF TIME**

The State, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

A Notice of Appeal was served and filed on January 15, 2020 in the above referenced case by the Fifteenth Circuit Solicitor's Office. On the same date, Senior Assistant Solicitor Mary-Ellen Walter requested a copy of a hearing transcript from Court Reporter Sallie Beth Todd and sent the Transcript Request Form as well as an email to transcripts@sccourts.org. Unfortunately, opposing counsel was not copied on the request. (See Transcript Request and email attached as Exhibit 1). Additionally, on the same date, Solicitor Walter received information that the proper court reporter was Natalie Dahl, and an Amended Transcript Request Form was sent noting the proper court reporter. A further email attached the Amended Transcript Request was sent to the court reporter and to transcripts@sccourts.org. (See Amended Transcript Request and emails attached as Exhibit 2).

II.

The State asks this Court to allow the late notice to opposing counsel based on the attached Exhibits, accept the transcript requests out of time to the extent they are untimely, and to deny the Motion to Dismiss. The failure to notify opposing counsel was merely an inadvertence and not an attempt to delay the proceedings. Respondent has not been prejudiced by the late notice of the State's request to obtain a copy of the hearing transcript. As a result, the State asks the Court to accept the Exhibits as evidence of the State's request to obtain the required transcript, allow for late notice of the request to Respondent, and deny the Motion to Dismiss.

III.


The State is still awaiting receipt of the transcript of the post-trial hearing which was held on June 18, 2019. As soon as the State receives the transcript, the Court and opposing counsel will be notified so that the time for completion of the Initial Brief of Appellant may be established.

WHEREFORE, the State asks the Court to accept the Exhibits as evidence of the State's request to obtain the required transcript, allow for late notice of the request to Respondent, and deny the Motion to Dismiss; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

WILLIAM M. BLITCH, JR.
Senior Assistant Deputy Attorney General

BY: 
William M. Blitch, Jr.
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR APPELLANT

March 3, 2020

EXHIBIT 1

Transcript Request Form

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter and to South Carolina Court Administration at transcripts@sccourts.org. Click here for instructions on how to find the court reporter's email and mailing addresses. Once the court reporter receives your request, it will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party. Please send by mail a money order or certified bank check to the court reporter in order to obtain the transcript. Some court reporters may accept personal checks. Please check with the court reporter to see if this option is available. Once your request is received, you will receive a copy of this form with the bottom portion completed. Please promptly submit your payment in order for the transcript to be provided. If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.

Requestor's Information			
Full Name <u>Mary-Ellen Walter</u>	Phone Number <u>843-915-8662</u>	Email Address <u>walter.maryellen@horrycounty.org</u>	
Mailing Address <u>P.O. Box 1276</u>	City <u>Conway</u>	State <u>SC</u>	Zip Code <u>29588</u>
Transcript Information			
Docket Number <u>2017GS2603145</u> <u>2017GS2603146</u> <u>2017GS2603147</u>	Case Caption (i.e. State v. John Doe or Smith v. Smith) <u>State v. John Alexander Webb</u>		
Date(s) of Proceeding <u>6/18/2019</u>	Circuit <input checked="" type="checkbox"/> Family <input type="checkbox"/>	County <u>Horry County Case, but hearing was in Georgetown County</u>	
Presiding Judge <u>Alexander Macauley</u>	Expedited Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Court Reporter(s) <u>Sallie Beth Todd</u>	Opposing Counsel <u>Francis Humphries</u>		

Requestor's Signature: Mary-Ellen Walter
(Typed name will serve as signature)

Date: 1/19/2020

Note: If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.

For Court Reporter Use Only			
Full Name _____	Date Received _____	Email Address _____	
Notice of Estimate to Requestor Party Date: _____ Number of Pages: _____ Estimated Amount: _____			
Mailing Address for Payment _____	City _____	State _____	Zip Code _____

Salemno, Magdalena

From: Salemno, Magdalena
Sent: Wednesday, January 15, 2020 9:04 AM
To: Transcripts; Todd, Sallie B.
Subject: State v. John Webb - Transcript Request
Attachments: State v. John Webb - Transcript Request.pdf

Please see attached request for transcript.

MAGDALENA M. SALEMNO

Assistant to:
Senior Solicitor, Mary-Ellen Walter, General Sessions
Assistant Solicitor C. Leigh Andrew, General Sessions
Horry County Solicitor's Office, 15th Judicial Circuit
Email: salemno.magdalena@horrycounty.org
Phone: (843) 915-8662
Fax: (843) 915-6467

EXHIBIT 2

AMENDED Transcript Request Form

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter and to South Carolina Court Administration at transcripts@sccourts.org. Click [here](#) for instructions on how to find the court reporter's email and mailing addresses. Once the court reporter receives your request, it will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party. Please send by mail a money order or certified bank check to the court reporter in order to obtain the transcript. Some court reporters may accept personal checks. Please check with the court reporter to see if this option is available. Once your request is received, you will receive a copy of this form with the bottom portion completed. Please promptly submit your payment in order for the transcript to be provided. If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.

Requestor's Information			
Full Name <u>Mary-Ellen Walter</u>	Phone Number <u>843-915-8662</u>	Email Address <u>walter.marvellen@horrycounty.org</u>	
Mailing Address <u>P.O. Box 1276</u>	City <u>Conway</u>	State <u>SC</u>	Zip Code <u>29588</u>
Transcript Information			
Docket Number <u>2017GS2603145</u> <u>2017GS2603146</u> <u>2017GS2603147</u>	Case Caption (i.e. State v. John Doe or Smith v. Smith) <u>State v. John Alexander Webb</u>		
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Presiding Judge <u>Alexander Macauley</u>	Expedited Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Court Reporter(s) <u>Natalie Dahl</u>	Opposing Counsel <u>Francis Humphries</u>		

Requestor's Signature: Mary-ellen Walter Date: 1/15/2020
(Typed name will serve as signature)

Note: If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.

For Court Reporter Use Only			
Full Name _____	Date Received _____	Email Address _____	
Notice of Estimate to Requestor Party Date: _____ Number of Pages: _____ Estimated Amount _____			
Mailing Address for Payment _____	City _____	State _____	Zip Code _____

Salemno, Magdalena

From: Salemno, Magdalena
Sent: Wednesday, January 15, 2020 2:05 PM
To: Transcripts
Cc: Dahl, Natalie
Subject: RE: State v. John Webb - Transcript Request
Attachments: State v. John Webb - Transcript Request.pdf

Please see attached Amended Transcript Request

MAGDALENA M. SALEMNO

Assistant to:
Senior Solicitor, Mary-Ellen Walter, General Sessions
Assistant Solicitor C. Leigh Andrew, General Sessions
Horry County Solicitor's Office, 15th Judicial Circuit
Email: salemno.magdalenam@horrycounty.org
Phone: (843) 915-8662
Fax: (843) 915-6467

From: Transcripts [mailto:transcripts@sccourts.org]
Sent: Wednesday, January 15, 2020 11:49 AM
To: Salemno, Magdalena <Salemno.Magdalenam@horrycounty.org>; Transcripts <transcripts@sccourts.org>; Todd, Sallie B. <sbtodd@sccourts.org>
Subject: RE: State v. John Webb - Transcript Request

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Our records indicate Natalie Dahl, as the court reporter in Georgetown for Judge Macaulay. Please verify your information and amend your form as needed.

From: Salemno, Magdalena <Salemno.Magdalenam@horrycounty.org>
Sent: Wednesday, January 15, 2020 9:04 AM
To: Transcripts <transcripts@sccourts.org>; Todd, Sallie B. <sbtodd@sccourts.org>
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Horry County Solicitor's Office, 15th Judicial Circuit
Email: salemno.magdalenam@horrycounty.org
Phone: (843) 915-8662
Fax: (843) 915-6467

Salemno, Magdalena

From: Dahl, Natalie <ndahl@sccourts.org>
Sent: Tuesday, March 03, 2020 1:21 PM
To: Salemno, Magdalena; Transcripts
Subject: Re: State v. John Webb - Transcript Request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe..

Good afternoon, Ms. Salemno,

I received and it is put in my list to do ☺

Thank you,
Natalie Dahl, RPR
South Carolina Official Court Reporter

From: Salemno, Magdalena <Salemno.Magdalena@horrycounty.org>
Sent: Tuesday, March 3, 2020 12:17 PM
To: Transcripts
Cc: Dahl, Natalie
Subject: FW: State v. John Webb - Transcript Request

*** EXTERNAL EMAIL: This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Just following up on the status of this transcript request.

Magdalena m. salemno

Assistant to:

Senior Solicitor, Mary-Ellen Walter, General Sessions

Assistant Solicitor C. Leigh Andrew, General Sessions

Horry County Solicitor's Office, 15th Judicial Circuit

Email: salemno.magdalena@horrycounty.org<mailto:salemno.magdalena@horrycounty.org>

Phone: (843) 915-8662

Fax: (843) 915-6467

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To: Transcripts <transcripts@sccourts.org>
Cc: Dahl, Natalie <ndahl@sccourts.org>
Subject: RE: State v. John Webb - Transcript Request

Please see attached Amended Transcript Request

Magdalena m. salemno

Assistant to:

Senior Solicitor, Mary-Ellen Walter, General Sessions

Assistant Solicitor C. Leigh Andrew, General Sessions

Horry County Solicitor's Office, 15th Judicial Circuit

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Sent: Wednesday, January 15, 2020 11:49 AM
To: Salemno, Magdalena <Salemno.Magdalena@horrycounty.org<mailto:Salemno.Magdalena@horrycounty.org>>;
Transcripts <transcripts@sccourts.org<mailto:transcripts@sccourts.org>>; Todd, Sallie B.
<sbtodd@sccourts.org<mailto:sbtodd@sccourts.org>>>
Subject: RE: State v. John Webb - Transcript Request

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Subject: State v. John Webb - Transcript Request

Please see attached request for transcript.

Magdalena m. salemno

Assistant to:

Senior Solicitor, Mary-Ellen Walter, General Sessions

Assistant Solicitor C. Leigh Andrew, General Sessions

Horry County Solicitor's Office, 15th Judicial Circuit

Email: salemno.magdalena@horrycounty.org<mailto:salemno.magdalena@horrycounty.org>

Phone: (843) 915-8662

Fax: (843) 915-6467

All e-mail correspondence to and from this address may be subject to public disclosure under the South Carolina Freedom of Information Act (FOIA). This correspondence is intended exclusively for the individual or entity to which it is addressed and may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure.

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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Horry County  
Honorable Alexander S. Macaulay, Circuit Court Judge  
Appellate Case Tracking No. 2020-000081

**RECEIVED**

MAR 03 2020

SC Court of Appeals

The State,

Appellant,

vs.

John Alexander Webb,

Respondent.

**PROOF OF SERVICE**

I, Caroline Collins, certify that I have served the Return to Motion to Dismiss on Respondent by depositing a copy of same in the United States mail, postage prepaid, addressed to:

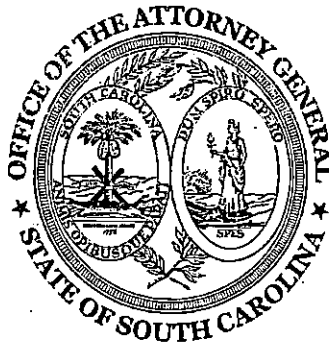
Lacey Thompson, Esquire  
604 16<sup>th</sup> Ave. North  
Myrtle Beach, South Carolina 29577

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

This 3<sup>rd</sup> day of March, 2020.



CAROLINE COLLINS  
Administrative Coordinator  
Office of Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3727



ALAN WILSON  
ATTORNEY GENERAL

March 3, 2020

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

**RECEIVED**

MAR 03 2020

**SC Court of Appeals**

Re: State v. John A. Webb  
Appellate Case Number 2020-000081

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of a Return to Motion to Dismiss along with proof of service for filing in the above-referenced appeal.

Sincerely,

William M. Blich, Jr.  
Senior Assistant Deputy Attorney General

Enclosures

cc: Lacey Thompson, Esquire  
Victim Advocacy Division