

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHESTER COUNTY
Court of General Sessions

The Honorable William A. McKinnon

Indictment No. 2017GS1200893, 894, 897

The State of South Carolina, Plaintiff-Respondent

vs.

Robert Worthy, Defendant, Appellant.

RECEIVED

APR 20 2020

SC Court of Appeals

MOTION TO FILE OUT OF TIME

Robert Worthy, by way of undersigned counsel, moves for leave to file his *Notice of Appeal* out of time for good cause shown to be detailed herein.

On June 6, 2019, Mr. Worthy was convicted by way of jury verdict as to two counts of Attempted Murder and one count of Possession of a Weapon During a Violent Crime. The Honorable William. A. McKinnon sentenced him to twenty (20) years in the South Carolina Department of Corrections. Mr. Worthy filed a timely *Motion to Reconsider*.

Due to scheduling considerations, the *Motion* could not be heard until November 22, 2019. In the meantime, defense counsel prepared a *Notice of Appeal* package in anticipation of the final order to be rendered at that hearing. Additionally, in compliance with Appellate Court Rule 207(a)(1), counsel contacted the court reporter and ordered the full trial transcript in expectation of the appeal ("Exhibit A"). Counsel tendered a down payment of \$2,152.50 on the

estimated \$2,869.00 cost ("Exhibit B").

On November 22, 2019, Judge McKinnon heard arguments on the *Motion to Reconsider*. The Court filed a final *Order* on December 4, 2019 and the same was subsequently served on defense counsel on December 10, 2019 ("Exhibit C").

At this time, defense counsel updated and signed the *Notice to Appeal* documents which were then turned over to the paralegal staff for processing and service. On multiple occasions, defense counsel verbally confirmed with staff that the *Notice to Appeal* had been filed with the Chester County Solicitor's Office, Chester County Clerk of Court and the South Carolina Court of Appeals. Counsel continued proceeding under the assumption the filing was perfected and were simply awaiting the transcript to begin work on the appellate brief.

On February 17, 2020, defense counsel instructed legal assistant Brooke Kaminer to contact the court reporter and inquire about the transcript as we were ready to begin on the brief ("Exhibit D"). The court reporter responded indicating she had filed three extensions on this transcript and needed to file for a fourth. Our firm has never received notice of the prior extensions. She was not sure why we had not received a copy ("Exhibit D"). On March 11, 2020, Brooke again inquired about the status of the transcript ("Exhibit E"). The court reporter responded with a copy of her fourth extension request ("Exhibit F").

Mr. Myers and Mr. Bell discussed the issue of a fourth extension and became curious why we never received notice of the prior extension approvals from the appellate court pursuant to Rule 207(a)(4). Counsel then immediately contacted the South Carolina Court of Appeals to inquire and were told they had no record of the *Notice of Appeal*.

Counsel immediately met with legal assistants Brooke Kaminer and Karen Kaminer. Brooke again indicated it had been properly sent but could not locate the *Certificate of Service*


("Exhibit G"). Karen recalls assisting with the preparation of the documents to be sent and also believes they were properly sent out for filing ("Exhibit H"). Brooke remains adamant it was sent, but, unfortunately, there is no evidence to support the signed documents left the building.

Counsel acknowledge it is ultimately their responsibility to physically observe the *Certificate of Service* to confirm the appeal was properly perfected; however, the staff have long been reliable and Counsel relied upon their assurances it had been timely sent. Additionally, the Court Reporter indicating she had requested multiple extensions further led us to believe the appeal was properly filed and we were simply awaiting the transcript.

Counsel took substantial and purposeful steps to perfect the appeal and acted as if it had been perfected: 1) the *Notice of Appeal* was drafted, signed and turned over to the paralegal staff to be mailed, 2) the transcript was requested and paid for well ahead of the final *Order*, 3) Counsel were told multiple times by veteran staff members that he filings were mailed, and 4) Counsel followed up with the Court Reporter to check on the status of the transcript in order to being the appellate brief.

We hereby pray this Honorable Court grant leave to file this *Appeal* out of time for good cause shown. Deputy Solicitor Lively has been contacted and while she does not recall seeing a *Notice of Appeal*, she did anticipate an appeal based on the seriousness of the crimes convicted and indicated she does not object to our request to file out of time.

We respectfully plead for the mercy of the Court in granting this *Motion*.



Stanley L. Myers
Lester M. "Gill" Bell, Jr.
Attorneys for Defendant
1700 Sunset Boulevard
P.O. Box 5709
West Columbia, SC 29171

Tel: (803) 796-9160

Other Counsel of Record:

Candice Lively, Assistant Solicitor
Chester County Solicitor's Office
140 Main Street
Chester, SC 29706

Exhibit A

S. Jahue Moore†
J. Mark Taylor*
C. Vance Stricklin, Jr.
James Edward Bradley†
Sheila McNair Robinson
Christian G. Spradley
William H. Edwards
Stanley L. Myers
Jane H. Downey*
S. Jahue Moore, Jr.
John C. Bradley, Jr.
Melissa K. Moore
William B. Fortino
Ralph Nichols Riley, Jr.
Amber Cary Fulmer
Lester McGill Bell, Jr.
Bryan C. Letteer
Edward Hood Dawson
Sierra D. Carini

Robert D. Hazel†
C. David Sawyer, Jr.†
Billy C. Coleman
1916-2019

September 16, 2019

khanson@sccourts.org

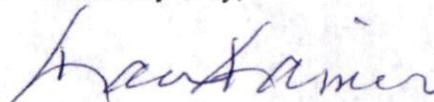
Re: State of South Carolina v. Robert Worthy
Indictment No. 2017GS1200893, 894, 895, 897

Dear Ms. Hanson:

This letter serves to request a copy of the transcript of the trial for Mr. Robert Worthy. The trial was held beginning June 3, 2019. The Honorable William A. McKinnon presided. Please let me know if you need anything further from our office to provide us with a copy of the transcript of Robert Worthy's trial before Judge McKinnon.

Please do not hesitate to contact our office if you need anything further.

Yours very truly,



Karen B. Kaminer
Legal Assistant to Stanley L. Myers

/kbk

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SC Court of Appeals

Exhibit B

KYMBERLEE M. WILLIAMS, CSR/RPR

P.O. BOX 283, PINEVILLE, NC 28134

kwilliams@sccourts.org

SENT VIA EMAIL

September 16, 2019

STANLEY L. MYERS, ESQ.

LESTER M. "GILL" BELL, JR., ESQ.

MOORE TAYLOR LAW FIRM, P.A.

P.O. Box 5709

West Columbia, South Carolina 29171

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SC Court of Appeals

RE: ACKNOWLEDGEMENT OF REQUEST FOR TRANSCRIPT

STATE OF SOUTH CAROLINA v. ROBERT L. WORTHY - Circuit Court Case Number: 2017A1220100224

Dear Mr. Myers and Mr. Bell:

This letter is to acknowledge that on September 16, 2019, I received your email correspondence regarding the transcript of record in the above-entitled matter. I have reviewed my records, and I estimate the transcript will be approximately 675 pages.

Rule 607 provides that the rate of \$4.25 shall be charged per page for a transcript. Based on the current rate, the estimated cost will be \$2,869.00. Upon receipt of your check in the amount of \$2,152.50 (75% deposit), I will produce this transcript. If the transcript is less than 650 pages, I will refund the difference upon delivery of the transcript. If the transcript is more than 650 pages, the balance will be due prior to delivery of the transcript.

Under our rules, I have 60 days to complete the transcript upon receipt of the deposit. If you desire to cancel the request for the transcript, a cancellation request must be made in writing. You will be responsible for payment of any portion of the transcript that has been completed.

Please feel free to contact me via U.S. mail or email with any questions. Thank you for your transcript request in this matter.

Sincerely,

KyMBERlee Mignanelli Williams, CSR/RPR

Exhibit C



State of South Carolina
The Circuit Court of the Sixteenth Judicial Circuit

William A. McKinnon
Judge

Moss Justice Center, 2nd Floor
1675-1H York Highway
York, SC 29745-7495
Phone: (803) 628-3047
Fax: (803) 628-3055
wmcklinonj@sccourts.org

December 2, 2019

Mrs. Sue K. Carpenter
Clerk of Court
Post Office Drawer 580
Chester, SC 29706-0580

Re: State of South Carolina v. Robert L. Worthy
Indictment No.: 2017-CP-12-897

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APR 20 2020
SC Court of Appeals

Dear Mrs. Carpenter:

Enclosed please find an Order Denying Motion to Reconsider in the above matter. Please file and forward a clocked copy to counsel.

Thanking you, I am

Sincerely,

A handwritten signature in cursive script that reads "Frances J. Kirkman".

Frances J. Kirkman
Administrative Assistant to the
Honorable William A. McKinnon

Enclosures

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS
SIXTEENTH JUDICIAL CIRCUIT

COUNTY OF CHESTER)

State of South Carolina,)

Indictment No.: 2017-CP-12-897

v.)

ORDER DENYING MOTION TO
RECONSIDER

Robert L. Worthy,)

Defendant.)

RECEIVED

APR 20 2020

SC Court of Appeals

PRESIDING JUDGE:

The Honorable William A. McKinnon

DATE OF TRIAL:

November 22nd, 2019

This matter first came before the Court for a jury trial. The Defendant was charged with two counts of attempted murder and one count of possession on a weapon during the commission of a violent crime. After the jury found the Defendant guilty, the Court sentenced the Defendant to 20 years in the South Carolina Department of Corrections on one count of attempted murder, 15 years on the second count of attempted murder, and five years on the weapons charge, all to run concurrently..

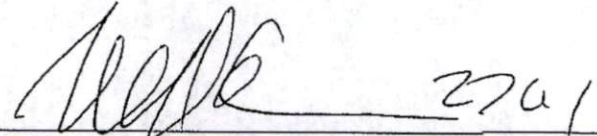
The parties came before the Court on November 22, 2019 on a Motion to reconsider the Defendant's sentence. Defendant presented numerous family and friends attesting to his generosity and kindness in dealing with family and friends, and also emphasized his lack of any significant prior record. Nevertheless, after considering this testimony and weighing it against the facts of the convictions – a premeditated attack on the Defendant's estranged wife and his mother-in-law, at the mother-in-law's business, resulting in severe injury to the mother-in-law -- and the sentencing ranges for the crimes for which the jury found the Defendant guilty, the Court sees no basis to reconsider the sentence imposed on the Defendant. MOTION DENIED.

IT IS SO ORDERED.

FILED
DEC 19 2019

THIS THE 2 DAY OF December, 2019.

CLERK OF DISTRICT COURT



THE HONORABLE WILLIAM A. MCKINNON

S. Jahue Moore†
J. Mark Taylor*
C. Vance Stricklin, Jr.
James Edward Bradley†
Sheila McNair Robinson
Christian G. Spradley
William H. Edwards
Stanley L. Myers
Jane H. Downey*
S. Jahue Moore, Jr.
John C. Bradley, Jr.
Melissa K. Moore
William B. Fortino
Ralph Nichols Riley, Jr.
Amber Cary Fulmer
Lester McGill Bell, Jr.
Bryan C. Letteer
Edward Hood Dawson
Sierra D. Carini

Robert D. Hazel†
C. David Sawyer, Jr.‡
Billy C. Coleman
1916-2019

December 17, 2019

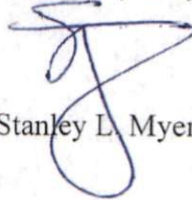
Robert L. Worthy, Sr.
Perry Correctional Institute
Dorm-Rm-Bunk: Q1A-0106-T
430 Oaklawn Road
Pelzer, South Carolina 29669

Re: State of South Carolina vs. Robert Worthy

Dear Mr. Worthy:

You will please find enclosed a copy of the Order Denying my Motion to Reconsider your sentence. We have filed the necessary paperwork for your appeal. I will continue to pray for you during this difficult and stressful time. Please contact me with any questions or concerns you might have.

Yours very truly,



Stanley L. Myers

SLM/bnk
Enclosure

Exhibit D

Brooke Kaminer

From: Brooke Kaminer
Sent: Monday, February 17, 2020 1:13 PM
To: 'Williams, Kymberlee'
Subject: RE: Worthy, Robert vs. State of SC- Appeal:

If you could forward a copy of that extension once it's filed that would be great.

Thank you

-----Original Message-----

From: Williams, Kymberlee [mailto:kwilliams@sccourts.org]
Sent: Monday, February 17, 2020 1:09 PM
To: Brooke Kaminer <Brooke@mttlaw.com>
Subject: Re: Worthy, Robert vs. State of SC- Appeal:

Good afternoon:

I have had to file three extensions on this transcript due to workload. I apologize if you haven't received the most recent extension. I will probably need to file one last one to protect the appeal. That will take us through the 20th of March. I will send you a copy of the extension once it has been filed tomorrow. Sorry for any confusion. Please feel free to contact me if you have any additional questions. I am working from home today.

Kymberlee M. Williams, CSR/RPR
(704) 281-3816

Sent from my iPhone

> On Feb 17, 2020, at 11:48 AM, Brooke Kaminer <Brooke@mttlaw.com> wrote:

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

> Ms. Williams,

> I am reaching out to inquire about a transcript that was requested from you in September 2019. Karen Kaminer from our office spoke with you about the transcript of State vs. Robert Worthy for a pending appeal and sent you a check in the amount of \$2,152.50. Our office has yet to receive the transcript and we have now passed the 5 month mark. If you could get back to me as soon as possible it would be greatly appreciated.

> Thank you

> Brooke

>

>

> -----Original Message-----

> From: Karen Kaminer

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SC Court of Appeals

> Sent: Monday, September 16, 2019 3:46 PM
> To: 'Williams, Kymberlee' <kwilliams@sccourts.org>
> Subject: RE: Worthy, Robert vs. State of SC- Appeal:
>
> Thank you,
> Karen
>
> -----Original Message-----
> From: Williams, Kymberlee [mailto:kwilliams@sccourts.org]
> Sent: Monday, September 16, 2019 3:30 PM
> To: Karen Kaminer <karen@mttlaw.com>
> Subject: Re: Worthy, Robert vs. State of SC- Appeal:
>
> Ms. Kaminer:

> Attached please find the amended and updated transcript request.
>
> Let me know if you need anything additional.
>
>
> Have a good afternoon.

>
>
> Thank you,
> Kymberlee Mignanelli Williams, CSR/RPR SC Official Circuit Court
> Reporter
> (704) 281-3816

> _____
> From: Karen Kaminer <karen@mttlaw.com>
> Sent: Monday, September 16, 2019 3:09:04 PM
> To: Williams, Kymberlee
> Subject: RE: Worthy, Robert vs. State of SC- Appeal:

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

>
> And we have a Gill Bell also so it is a little confusing.
> Also, can you correct Robert Worthy's name to Worthy and not Worth.
> I have requested the check.
> Thank you,
> Karen

>
>
> https://urldefense.proofpoint.com/v2/url?u=http-3A__www.mttlaw.com&d=DwIFAg&c=YGvVmrQQ6VQOFx3Z93C9uQ&r=hiV1-LjnYaLUmyuxpVMWIM6eEOWwYu4bIBQ-oXtBDds&m=NA9SCKtFeRObjj_OitXtj6QE6pMhwoIkNcpdTnkLfr8&s=2AjEiEdWchP-rdy8rXnBacpge_IVOwkGGLgZ0WL7TLU&e=

> Karen B. Kaminer
> Legal Assistant to Stanley L. Myers
> 1700 Sunset Boulevard
> Post Office Box 5709
> West Columbia, South Carolina 29171
> (803) 796-9160 - office
> (803) 454-1866 - direct
> (803) 791-8410 - fax

>
>
>
>
> -----Original Message-----

> From: Williams, Kymberlee [mailto:kwilliams@sccourts.org]
> Sent: Monday, September 16, 2019 3:08 PM
> To: Karen Kaminer <karen@mttlaw.com>
> Subject: Re: Worthy, Robert vs. State of SC- Appeal:

>
> I am happy to make those changes and send it back shortly.

>
> Mr. Bell, the original requester (Carl Bell) must have been from the Terreni law firm.

>
> Perhaps that is also why there is confusion.

>
>
>
>
> Thank you,
> Kymberlee Mignanelli Williams, CSR/RPR SC Official Circuit Court
> Reporter
> (704) 281-3816

> _____
> From: Karen Kaminer <karen@mttlaw.com>
> Sent: Monday, September 16, 2019 12:45:06 PM
> To: Williams, Kymberlee
> Subject: RE: Worthy, Robert vs. State of SC- Appeal:

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

>
> Some changes need to be made to the agreement.
> The attorneys names are Stanley L. Myers and Lester M. "Gill" Bell, Jr.
> Name of the firm is Moore Taylor Law Firm.
> Post Office Box 5709
> West Columbia, South Carolina 29171
> Can I make these changes?
> I will request the check and mail it to you today or tomorrow.
> Karen

>
> https://urldefense.proofpoint.com/v2/url?u=http-3A__www.mttlaw.com&d=DwIFAg&c=YGvVmrQQ6VQOFx3Z93C9uQ&r=hiV1-LjnYaLUmyuxpVMWIM6eEOWwYu4bIBQ-o

> xTBDDs&m=wt6GoEzZYXZOPdqMEcu4RRvTSxe87zLxVh85IN8zbs&s=Scq7MXZwhSnx1gQ
> NI3CRqwLO88s4N8tHbcajLoJA56c&e=
> Karen B. Kaminer
> Legal Assistant to Stanley L. Myers
> 1700 Sunset Boulevard
> Post Office Box 5709
> West Columbia, South Carolina 29171
> (803) 796-9160 - office
> (803) 454-1866 - direct
> (803) 791-8410 - fax

>
>
>

> -----Original Message-----
> From: Williams, Kymberlee [mailto:kwilliams@sccourts.org]
> Sent: Monday, September 16, 2019 12:12 PM
> To: Karen Kaminer <karen@mttlaw.com>
> Subject: Re: Worthy, Robert vs. State of SC- Appeal:

>

> Good afternoon, Ms. Kaminer:

>
>

> Enclosed please find the original transcript agreement document sent to Mr. Bell on 6-3-19.

>

> Please let me know if you need anything additional from me.

>
>
>

> Thank you for your business.

>
>

> Thank you,
> Kymberlee Mignanelli Williams, CSR/RPR SC Official Circuit Court
> Reporter
> (704) 281-3816

>

> From: Karen Kaminer <karen@mttlaw.com>
> Sent: Monday, September 16, 2019 11:48:05 AM
> To: Williams, Kymberlee
> Subject: Worthy, Robert vs. State of SC- Appeal:

>
>

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

>

> Ms. Hanson - Attached please find letter requesting trial transcript.

>

> Please let our office know if you need anything further.

>

> Your help is greatly appreciated.

>

> Karen

>
>
>
>
>
>
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>
>

> [cid:image001.png@01CF3C79.338C3610]

>

> https://urldefense.proofpoint.com/v2/url?u=http-3A__www.mttlaw.com&d=D
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> NI3CRqwLO88s4N8tHbcajLoJA56c&e=
> <https://urldefense.proofpoint.com/v2/url?u=http-3A__www.mttlaw.com_&d
> =DwMFAg&c=YGvVmrQQ6VQOFx3Z93C9uQ&r=D3QY2W8e0gykT5LIAuEM1zJX7pf_gVeG660
> ZV8CTJOM&m=bcwwj5XNrc_VPwYKU8i_lx8qx4mKK3NUpfYkk0IGzsQ&s=yFRvfbLOilq4K
> b8ARPIO-uzMUP3eD1b1FjJ5qaB2vio&e=>

>

> Karen B. Kaminer

>

> Legal Assistant to Stanley L. Myers

>

> 1700 Sunset Boulevard

>

> Post Office Box 5709

>

> West Columbia, South Carolina 29171

>

> (803) 796-9160 - office

>

> (803) 454-1866 - direct

>

> (803) 791-8410 - fax

>

>

>

> Moore Taylor Law Firm, P.A.

> 1700 Sunset Blvd.

> Post Office Box 5709

> West Columbia, SC 29171

> Phone: 803-796-9160

> Fax: 803-791-8410

>

> The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and is therefore privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

> ~~~ 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

Exhibit E

Brooke Kaminer

From: Williams, Kymberlee <kwilliams@sccourts.org>
Sent: Wednesday, March 11, 2020 3:37 PM
To: Brooke Kaminer
Subject: Re: Worthy, Robert vs. State of SC- Appeal:
Attachments: STATEVROBERTWORTHY.ext.4.pdf

Enclosed please find the most recent extension filed. This will take us to the 20th. I anticipate having it delivered by then.

Thank you for your assistance with regard to Mr. Worthy's correspondence from his incarceration housing. When I return home this evening, I will send over copies of the letters Mr. Worthy has been sending for your review.

Thank you,
Kymberlee Mignanelli Williams, CSR/RPR
SC Official Circuit Court Reporter
(704) 281-3816

From: Brooke Kaminer <Brooke@mttlaw.com>
Sent: Wednesday, March 11, 2020 2:13:23 PM
To: Williams, Kymberlee
Subject: RE: Worthy, Robert vs. State of SC- Appeal:

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

Ms. Williams,

Per our e-mail correspondence dated February 17, 2020, you were going to send me a copy of the extension you intended to file. To date, I have yet to receive a copy of that extension or a copy of any extension you have filed on behalf of this case. Please send copies of all filed extensions immediately. The attorneys on this case are asking to see them as we are now going on month 6.

Thank you
Brooke

-----Original Message-----

From: Williams, Kymberlee [mailto:kwilliams@sccourts.org]
Sent: Monday, February 17, 2020 1:09 PM
To: Brooke Kaminer <Brooke@mttlaw.com>
Subject: Re: Worthy, Robert vs. State of SC- Appeal:

Good afternoon:

I have had to file three extensions on this transcript due to workload. I apologize if you haven't received the most recent extension. I will probably need to file one last one to protect the appeal. That will take us through the 20th of March. I will send you a copy of the extension once it has been filed tomorrow.

RECEIVED

APR 20 2020

SC Court of Appeals

Exhibit F

NOTICE OF REQUEST FOR EXTENSION

Title of Case:

Case No.: 201712201

(State of South Carolina

(

(

(

-VS-

(

(

ROBERT WORT

Pursuant to Rules 207(a)(3), (a)(7) and/or 607(e), SCACR, I request an extension to complete the transcript of proceedings in the above entitled action.

CASE ON APPEAL? Yes

If Yes, which court? Circuit

Transcript request date: 09/20/19

Transcript Requester: Karen Kaminer

Email: karen@mttlaw.com

Other: _____

Email: _____

Other: _____

Email: _____

Approximate Number of Pages: 520

Pages completed to date: 75

Est. completion date (30 days): 03/20/20

Reason for Extension: transcript volume

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APR 20 2020

SC Court of Appeals

Date Submitted: 03/06/20

By: Kymerlee Willian
Court Reporter

Exhibit G

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHESTER)
)
State of South Carolina,)
)
Plaintiff,)
)
vs.)
)
Robert Worthy,)
)
Defendant.)
_____)

COURT OF GENERAL SESSIONS

Indictment No(s): 2017GS1200893, 894, 895, 897

AFFIDAVIT OF KAREN B. KAMINER

RECEIVED

APR 20 2020

SC Court of Appeals

PERSONALLY APPEARED before me the undersigned who, being duly sworn deposes and says:

1. My name is Karen B. Kaminer a legal resident of Lexington County, State of South Carolina.
2. I am over the age of eighteen years and make this statement based upon my personal knowledge.
3. I am a Legal Assistant at the Moore Taylor Law Firm and work for attorney Stanley L. Myers.
4. I walked through the appeals filing and service process with Brooke Kaminer when the Notice of Appeal was drafted and prepared to be filed.
5. I requested the transcript from the Court Reporter, Kymberly Williams, as I believed the Notice of Appeal was properly prepared, signed and filed with the Court of Appeals.
6. I requested a check and paid for the transcript in the above-captioned case in September 2019. A check was submitted in the amount of \$2,152.50 to the Court Reporter.

7. On March 11, 2020, I was forwarded an e-mail from Kymberly Williams, the Court Reporter. Attached to the e-mail was a copy of an extension believed to be sent to Court Administration to prepare the transcript for the appeal.

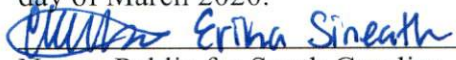
8. During this time, our office has firmly been under the belief that an appeal has been filed.

Further affiant sayeth naught.



Karen B. Kaminer

SWORN to before me this 24th
day of March 2020.



Notary Public for South Carolina
My Commission Expires: 6/7/2027

Exhibit H

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHESTER)
)
State of South Carolina,)
)
Plaintiff,)
)
vs.)
)
Robert Worthy,)
)
Defendant.)
_____)

COURT OF GENERAL SESSIONS

Indictment No(s): 2017GS1200893, 894, 895, 897

AFFIDAVIT OF BROOKE KAMINER

RECEIVED

APR 20 2020

SC Court of Appeals

PERSONALLY APPEARED before me the undersigned who, being duly sworn deposes and says:

1. My name is Brooke N. Kaminer a legal resident of Lexington County, State of South Carolina.
2. I am over the age of eighteen years and make this statement based upon my personal knowledge.
3. I am a Legal Assistant at the Moore Taylor Law Firm and work for attorney Stanley L. Myers.
4. I assisted in preparing the Notice of Appeal in the above-captioned case.
5. To the best of my knowledge, the Notice of Appeal was sent via U.S. Mail and delivered to be filed with the Chester County Solicitor's Office, Chester County Clerk of Court and South Carolina Court of Appeals.
6. I firmly believe that the Notice was properly prepared, signed and filed with the Court of Appeals.

7. It is my understanding that Karen Kaminer from our law firm requested and paid for the transcript in the above-captioned case in September 2019 and that a check was submitted in the amount of \$2,152.50 for the transcript.

8. On February 17, 2020, I contacted the Court Reporter, Kymberly Williams via e-mail regarding the status of the transcript. Ms. Williams informed me that she had to file three extensions due to her work load and she would get me a copy of the extensions.

9. On March 12, 2020, I contacted Ms. Williams again via e-mail for a status update and for a copy of the extensions. Ms. Williams provided a copy of an extension with a case number on March 12, 2020.


10. During this time, our office has firmly been under the belief that an appeal has been filed.

Further affiant sayeth naught.



Brooke N. Kaminer

SWORN to before me this 24th
day of March 2020.

 Erika Sineath

Notary Public for South Carolina
My Commission Expires: 6/7/2027

WITNESSES

Lolita Fourney (CPD)

M. Sims

ARREST WARRANT NUMBER/DOA

2017A1220100224 (DOA-8-27-17)

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date: 11-21-2017

VERDICT

Guilty

John C. Mel 6/6/19

Foreperson of Petit Jury

Date:

DOCKET NO. 2017-GS-12-893

The State of South Carolina

County of Chester

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2017

THE STATE

vs.

Robert Lewis Worthy

ATTEMPTED MURDER

SC Code: §16-3-29

CDR Code: 3410

Class: Felony A

RECEIVED

APR 20 2017

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHESTER)

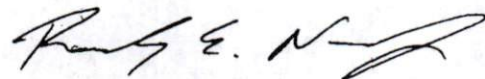
INDICTMENT

At a Court of General Sessions, convened on November 21, 2017, the Grand Jurors of Chester County present upon their oath:

ATTEMPTED MURDER

That Robert Lewis Worthy did in Chester County on or about August 26, 2017, did with intent to kill, shoot Annie McFadden, with malice aforethought, either expressed or implied, by shooting her resulting in great bodily injury to her and/or was accomplished by means likely to produce death or great bodily injury to wit: firing a firearm and striking her twice in upper thigh on both legs, in violation of Section 16-3-29 of the *Code of Laws of South Carolina, (1976), as amended.*

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Randy E. Newman, Jr., SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Chester
STATE VS.

INDICTMENT/CASE#: 2017GS12897

Robert Lewis Worthy

A/W#: 2017A1220100228

AKA:

Date of Offense: 8/26/2017

Race: BLACK Sex: M Age: 66

S.C. Code §: 16-23-0490

DOB: 04-04-1953 SS#:

CDR Code #: 0549

Address: 114 College Street

City, State, Zip: Chester, SC 29706

DL#: SID#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

CONVICTED OF or PLEADS

In disposition of the said indictment comes now the Defendant who was

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Lively, Candice SC Bar# 12123 Robert Worthy Defendant Myers, Stanley Attorney for Defendant SCB71110 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of 5 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: all c/6/19 pleas

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition. credit for 75 days

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ plus 20% fee: days/hours Public Service Employment

Payment Terms: Obtain GED

Set by SCDPPPS Attend Voc. Rehab. or Job Corp.

Recipient: May serve W/E beginning

*Fine: Substance Abuse Counseling

§ 14-1-206 (Assessments 107.5 %) \$

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$

§ 56-5-2995 (DUI Assessment) \$12 \$

§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 61.6 (Public Def/Probation) \$500 \$

§ 14-1-212 (Law Enforce. Funding) \$25 \$25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$

§ 50-21-114(BUI Breath Test Fee) \$50 \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$3.75

TOTAL \$128.75

Clerk of Court/ Deputy Clerk Sue A Carpenter

Court Reporter: Kymberlee Williams

SCCA/217 (07/2016) Presiding Judge Judge Code: 276

Sentence Date: 6/6/2015

WITNESSES

Lolita Fourney (CPD)

M. Sims

ARREST WARRANT NUMBER/DOA

2017A1220100228 (DOA-8-27-17)

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date: 11-21-2017

VERDICT

Guilty

John C. Mel 6/6/19

Foreperson of Petit Jury

Date:

DOCKET NO. 2017-GS-12-897

**The State of South Carolina
County of Chester**

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2017

THE STATE

vs.

Robert Lewis Worthy

SC Court of Appeals
APR 20 2017
RECEIVED

Indictment for

**Possession or Display of Firearm or
Knife During Commission of a Violent
Crime**

SC Code: § 16-23-490
CDR Code: 0549
Class: Felony, F

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHESTER)

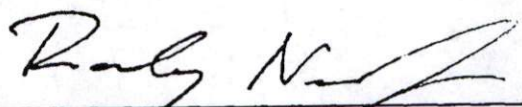
INDICTMENT

At a Court of General Sessions, convened on November 21, 2017, the Grand Jurors of Chester County present upon their oath:

**POSSESSION OR DISPLAY OF FIREARM OR KNIFE DURING COMMISSION OF A
VIOLENT CRIME**

That Robert L. Worthy did in Chester County on or about August 26, 2017, possess or visibly display a firearm or knife, to wit: pistol during his/her commission of a violent crime, to wit: Attempted Murder, in violation of §16-23-490, *Code of Laws of South Carolina, (1976), as amended.*

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Randy E. Newman, Jr., SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Chester
STATE VS.

INDICTMENT/CASE#: 2017GS12894

Robert Lewis Worthy

A/W#: 2017A1220100225

AKA:

Date of Offense: 8/26/2017

Race: BLACK Sex: M Age: 66

S.C. Code §: 16-03-0029

DOB: 04-04-1953 SS#:

CDR Code #: 3410

Address: 114 College Street

City, State, Zip: Chester, SC 29706

DL#: SID#:

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

CONVICTED OF or PLEADS

In disposition of the said indictment comes now the Defendant who was TO: Assault / Attempted Murder

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Lively, Candice (SC Bar# 12123) Robert Worthy (Defendant) Myers, Stanley (Attorney for Defendant) SCB71110 (SC Bar#)

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 15 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.
CONCURRENT or CONSECUTIVE to sentence on: all 6/6/19 convictions
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition. credit for 75 days

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee \$
days/hours Public Service Employment

Payment Terms:
Set by SCDPPPS APR 20 2020

Recipient: SC Court of Appeals

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 61.6 (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$ 3.75. TOTAL \$ 128.75

Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk Sue A. Carpenter
Court Reporter: Amberlee Williams
SCCA/217 (07/2016)

Presiding Judge [Signature]
Judge Code: 2761
Sentence Date: 4/6/19

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHESTER)

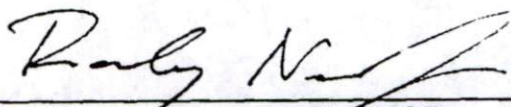
INDICTMENT

At a Court of General Sessions, convened on November 21, 2017, the Grand Jurors of Chester County present upon their oath:

ATTEMPTED MURDER

That Robert Lewis Worthy did in Chester County on or about August 26, 2017, with intent to kill, attempt to kill Vivian Worthy with malice aforethought, either expressed or implied, by shooting at her, in violation of Section 16-3-29 of the Code of Laws of South Carolina, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Randy E. Newman, Jr., SOLICITOR

WITNESSES

Lolita Fourney (CPD)

M. Sims

DOCKET NO. 2017-GS-12-894

The State of South Carolina
County of Chester

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2017

ARREST WARRANT NUMBER/DOA

2017A1220100225 (DOA-8-27-17)

ACTION OF GRAND JURY

THE STATE
vs.

Robert Lewis Worthy

SC Court of Appeals

APR 20 2020

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Foreperson of Grand Jury

Date: 11-21-2017

VERDICT

Guilty

John C. Melic 6/4/19

Foreperson of Petit Jury

Date:

ATTEMPTED MURDER

SC Code: §16-3-29

CDR Code: 3410

Class: Felony A

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTER COUNTY
Court of General Sessions

William McKinnon, General Sessions Judge

Indictment No. 2017GS1200893, 894, 895, 897

Robert Worthy,

Appellant,

vs.

The State of South Carolina,

Respondent.

RECEIVED

APR 20 2020

SC Court of Appeals

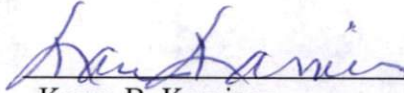
PROOF OF SERVICE

I certify that I have served the Notice of Appeal and Motion to File by depositing a copy of it in the United States Mail, postage prepaid, on April 17, 2020, to the following individuals:

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

Candice Lively, Esquire
Chester County Solicitor's Office
Post Office Box 607
Lancaster, South Carolina 29721

The Honorable Alan Wilson
South Carolina Attorney General
Post Office Box 11549
Columbia, South Carolina 29211



Karen B. Kaminer
Legal Assistant to Stanley L. Myers &
Lester M. "Gill" Bell, Jr.
1700 Sunset Boulevard
P.O. Box 5709
West Columbia, South Carolina 29171
Tel: (803) 796-9160
Fax: (803) 791-8410

West Columbia, South Carolina.
April 17, 2020.

S. Jahue Moore†
J. Mark Taylor*
C. Vance Stricklin, Jr.
James Edward Bradley†
Sheila McNair Robinson
Christian G. Spradley
William H. Edwards
Stanley L. Myers
Jane H. Downey*
S. Jahue Moore, Jr.
John C. Bradley, Jr.
Melissa K. Moore
William B. Fortino
Ralph Nichols Riley, Jr.
Amber Cary Fulmer
Lester McGill Bell, Jr.
Bryan C. Letteer
Edward Hood Dawson
Sierra D. Carini
Nicole E. Jackson

Robert D. Hazel†
C. David Sawyer, Jr.†
Billy C. Coleman
1916-2019

April 17, 2020

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

Re: State of South Carolina v. Robert Worthy
Indictment Nos. 2017GS12000893, 894, 897

RECEIVED

APR 20 2020

SC Court of Appeals

Dear Ms. Kitchings:

Enclosed for filing is a copy of the Notice of Appeal, Motion to File out of Time and Certificate of Service documenting service upon the Chester county Solicitor's Office and Chester County Clerk of Court.

I am also enclosing a stamped self-addressed envelope for the Court's use in returning a clocked copy to our office.

Yours very truly,


Lester M. "Gill" Bell, Jr.

LMB/kbk
Enclosures

cc: Candice Lively, Esquire
Honorable Alan Wilson, Esquire
(with enclosures)



MT MOORE | TAYLOR

PO Box 5209, West Columbia SC 29171
1700 Sunset Boulevard, West Columbia SC 29169

RECEIVED

APR 20 2020

SC Court of Appeals

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