

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHESTER COUNTY
Court of General Sessions

The Honorable William A. McKinnon

Appellate Case No. 2020-000713

RECEIVED
JUN 05 2020
SC Court of Appeals

The State of South Carolina, Plaintiff-Respondent

vs.

Robert Worthy, Defendant, Appellant.

PETITION AND MEMORANDUM IN SUPPORT OF REINSTATEMENT &
RECONSIDERATION

Robert Worthy, by way of undersigned counsel, petitions this Honorable Court for reconsideration of Appellant's *Motion to File out of Time* and reinstatement of its appeal dismissed pursuant to its *Order* dated May 20, 2020. Appellant believes this request proper pursuant to Rules 221(c) & 240(i), SCACR, as the *Order* effectively dismisses or finally decides the Petitioner's appeal.

PROCEDURAL HISTORY

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), SCACR. 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 ultimately filed the appellate packet alongside a contemporaneous *Motion to File Out of Time* which was subsequently denied and the appeal dismissed on May 20, 2020.

ARGUMENT

Petitioner believes reinstatement is appropriate under S.C. Code Ann. § 18-1-100 and Rule 260, SCACR.


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 and were told multiple

extensions had been requested and approved.

Based on the forgoing, Counsel made good faith efforts to give notice of appeal and to perfect the appeal. While counsel understands the jurisdictional element of the issue, we believe the legislative intent set forth by §18-1-100 provides guidance for rare reprieve in cases where good faith efforts were made to secure the appeal but were ineffective due to clerical errors. Additionally, the State would suffer no prejudice by reinstatement of the appeal. The Chester County Solicitor's Office does not contest that they indeed expected an appeal in this case. However, while the State may not suffer prejudice from reinstatement of the case, the elderly Petitioner loses the right to appeal his conviction carrying twenty years of incarceration.

We hereby pray this Honorable Court find that jurisdiction was sufficiently established by the good faith and substantial efforts undertaken by Counsel to perfect the appeal but for a clerical error. We further pray for reinstatement of the Petitioner's appeal for good faith and good cause shown pursuant to §18-1-100 and Rule 260, SCACR.

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



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:

Robert Michael Dudek, Esquire
Candice A. Lively, Esquire
Alan McCrory Wilson, Esquire
William M. Blitch, Jr., Esquire

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

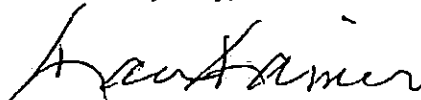
Re: State of South Carolina v. Robert Worthy
Indictment No. 2017GS1200893, 894, 895, 897

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

14

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

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

Mass Justice Center, 2nd Floor
1675-1H York Highway
York, SC 29745-7495
Phone: (803) 628-3047
Fax: (803) 628-3055
wmckinnonj@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

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)
)
COUNTY OF CHESTER)
)
State of South Carolina,)
)
)
v.)
)
Robert L. Worthy,)
)
Defendant.)
_____)

IN THE COURT OF GENERAL SESSIONS
SIXTEENTH JUDICIAL CIRCUIT

Indictment No.: 2017-CP-12-897

ORDER DENYING MOTION TO
RECONSIDER

PRESIDING JUDGE:
DATE OF TRIAL:

The Honorable William A. McKinnon
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..

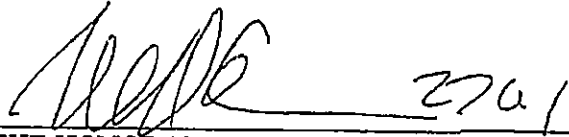
The parties came before the Court on November 22, 2019 on a Motion to reconsider the Defendant's sentence. Defendant presented numerous family and friends attesting to his generosity and kindness in dealing with family and friends, and also emphasized his lack of any significant prior record. Nevertheless, 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 13 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*
 Shella 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

> 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-o xTBDds&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=D
> wIFAg&c=YGwVmrQQ6VQOFx3Z93C9uQ&r=hiV1-LjnYaLUmyuxpVMWIM6eEOWwYu4bIBQ-o

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> 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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>
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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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> Nl3CRqwLO88s4N8tHbcajLoJA56c&e=

> <https://urldefense.proofpoint.com/v2/url?u=http-3A__www.mttlaw.com_&d

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> ZV8CTJOM&m=bcwwj5XNrC_VPwYKU8i_lx8qx4mKK3NUpfYkk0IGzsQ&s=yFRvfbLOilq4K

> b8ARPIO-uzMUP3eD1b1FJ5qaB2vio&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.

Exhibit F

NOTICE OF REQUEST FOR EXTENSION

Title of Case:

(State of South Ca
(
(
(
(
(
(

Case No.: 2017122011

(-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

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


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.

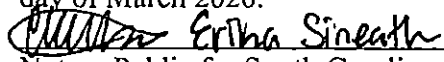
8. During this time, our office has firmly been under the belief that an appeal has been filed.

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

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.

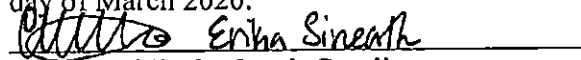
10. During this time, our office has firmly been under the belief that an appeal has been filed.

Further affiant sayeth naught.



Brooke N. Kaminer

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



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

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTER COUNTY
Court of General Sessions

William McKinnon, General Sessions Judge

Appellate Case No. 2020-000713

RECEIVED

JUN 05 2020

SC Court of Appeals

Robert Worthy,

Appellant,

vs.

The State of South Carolina,

Respondent.

PROOF OF SERVICE

I certify that I have served the Petition and Memorandum in Support of Reinstatement & Reconsideration to File by depositing a copy of it in the United States Mail, postage prepaid, on June 3, 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

William M. Blitch, Jr., Esquire
South Carolina Attorney General's Office
Post Office Box 11549
Columbia, South Carolina 29211

Robert Michael Dudek, Esquire
South Carolina Commission on Indigent Defense
Post Office Box 11589
Columbia, South Carolina 29211


Cameron R. Nienberg
Paralegal 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.
June 3, 2020

S. Jahue Moore*
J. Mark Taylor*
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.
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

June 3, 2020

RECEIVED
JUN 05 2020
SC Court of Appeals


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

Re: The State, Respondent vs. Robert Lewis Worthy, Appellant (*PETITION AND MEMORANDUM IN SUPPORT OF REINSTATEMENT & RECONSIDERATION*)
Appellate Case No. 2020-000713

Dear Madam Clerk:

Enclosed for filing is an original and six copies of the Appellant's *Petition for and Memorandum in Support of Reinstatement & Reconsideration* and *Proof of Service* documenting service upon the interested parties.

Yours very truly,


Cameron R. Nienberg
Paralegal to Lester M. "Gil" Bell, Jr.
1700 Sunset Boulevard
West Columbia, SC 29169
(803) 796-9160

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

William M. Blich, Jr., Esquire
South Carolina Attorney General's Office
P.O. Box 11549
Columbia, SC 29211

The Honorable Alan Wilson
South Carolina Attorney General
P.O. Box 11549
Columbia, SC 29211

Robert Michael Dudek, Esquire
S.C. Commission on Indigent Defense
P.O. Box 11589
Columbia, SC 29211



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LAW FIRM

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 1701 Sunset Boulevard, West Columbia SC 29169
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 JUN 05 2020
 SC Court of Appeals

The Honorable Jenny A. Kitchings
 South Carolina Court of Appeals
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 Columbia, South Carolina 29211