

RECEIVED

Mar 29 2021

SC Court of Appeals



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
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Post Office Box 11589
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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

March 29, 2021

Via E-Mail

The Honorable Jenny Abbott Kitchings
Clerk, SC Court of Appeals
PO Box 11629
Columbia, SC 29211

Re: The State v. Joseph Thomas Randolph
Appellate Case No. 2020-001450

Dear Ms. Kitchings:

This letter is a status update on the above-referenced case pursuant to State v. Randolph, S.C. Ct. App. Order dated March 12, 2021.

On March 15, 2021, I sent an email to the Honorable Courtney Clyburn-Pope with the order remanding the case back to circuit court, a summary of relevant details and requested a hearing be set at her earliest convenience. Matthew Buchanan, counsel for Respondent was included on the email, as was Mr. Randolph's prior counsel Wallis Alves.

In response to that email, Judge Clyburn-Pope set a hearing for March 23, 2021, at 9:30am. Counsel Alves contacted SCDC to arrange for Mr. Randolph to appear at the hearing. However, we discovered that Mr. Randolph was in quarantine and unable to attend the hearing. SCDC advised it did not know how long Mr. Randolph would be in quarantine and to contact them periodically to determine his status.

On March 26, 2021, Counsel Alves again reached out to SCDC regarding the status of Mr. Randolph. She was advised that Mr. Randolph would be moving to a new institution this week and we suspect that will require another quarantine period. Once Mr. Randolph is cleared from his quarantine, we will schedule the hearing before Judge Clyburn-Pope.

Enclosed are copies of the emails verifying this information. Please let me know if you require anything else at this time and if the Court of Appeals will require another update.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jessica M. Saxon', is written over a faint, larger version of the same signature.

Jessica M. Saxon
Appellate Defender

JMS/lmm

Matthews, Lindsey

From: Saxon, Jessica
Sent: Monday, March 15, 2021 10:26 AM
To: 'cpopesc@sccourts.org'
Cc: 'cpopelc@sccourts.org'; SC - BUCHANAN MATTHEW; 'Wallis Alves'
Subject: Joseph Randolph
Attachments: Randolph, Joseph 2020-001450 Motion to Remand.pdf; Order - Consent Motion Remand to Circuit Ct. 3.12.2021.pdf

Dear Judge Clyburn-Pope,

I hope this email finds you well.

During the October 2020 General Sessions term in Barnwell County you heard the probation revocation case of Mr. Joseph Randolph, who was represented by Wallis Alves at the time. After that hearing, Ms. Alves discovered that Mr. Randolph should have been on community supervision at the time of his revocation hearing, but had been mistakenly released onto standard probation. Therefore, at the time of his hearing in 2020, Mr. Randolph's maximum sentencing exposure should have only been up to one year. Ms. Alves and Matthew Buchanan with SCDPPP have worked with me to get the case remanded back to circuit court in order to resentence Mr. Randolph within that one year maximum. Attached for your reference is the consent motion filed with the Court of Appeals and the order remanding the case back to circuit court.

In compliance with the order from the Court of Appeals I'm writing to request a hearing before your Honor, to be scheduled at your earliest convenience, to address this oversight. I've included your law clerk, Ms. Alves, and Mr. Buchanan on this email so that all parties involved in the matter are on the same page. Please let me know what I can do to facilitate the scheduling of the hearing and if you have any questions for me.

Thank you!

Regards,

Jessica M. Saxon
Appellate Defender
SC Commission on Indigent Defense
1330 Lady Street, Suite 401
P.O. Box 11589
Columbia, SC 29201
Office: 803-734-1330

Matthews, Lindsey

From: Pope, Courtney Clyburn Law Clerk (Ayesha Jihad) <cpopelc@sccourts.org>
Sent: Wednesday, March 17, 2021 1:56 PM
To: Wallis Alves; Saxon, Jessica; SC - GAINES NICOLE
Cc: SC - BUCHANAN MATTHEW; SC - GAINES NICOLE
Subject: RE: [External] RE: Joseph Randolph

Please check on that for me and if they can, I will request a court term for Barnwell for next Tuesday.

Best,

Ayesha Jihad
Law Clerk to the Honorable Judge Clyburn Pope
Second Judicial Circuit
cpopelc@sccourts.org

From: Wallis Alves <walves@aikenpd.com>
Sent: Wednesday, March 17, 2021 1:54 PM
To: Saxon, Jessica <jsaxon@sccid.sc.gov>; Pope, Courtney Clyburn Law Clerk (Ayesha Jihad) <cpopelc@sccourts.org>; Pope, Courtney Clyburn Secretary (Nicole Gaines) <cpopesc@sccourts.org>
Cc: SC - BUCHANAN MATTHEW <MATTHEW.BUCHANAN@PPP.SC.GOV>; Pope, Courtney Clyburn Secretary (Nicole Gaines) <cpopesc@sccourts.org>
Subject: RE: [External] RE: Joseph Randolph

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

I will be available at that time. I will need to contact the SC Department of Corrections to let them know of the hearing to make certain that the Defendant will be present on the video.

Wallis Alves
Post Office Box 276
Barnwell, SC 29812
(803) 541-1129
walves@aikenpd.com

From: Saxon, Jessica <jsaxon@sccid.sc.gov>
Sent: Wednesday, March 17, 2021 11:09 AM
To: Pope, Courtney Clyburn Law Clerk (Ayesha Jihad) <cpopelc@sccourts.org>; SC - GAINES NICOLE <CPOPESC@SCCOURTS.ORG>
Cc: SC - BUCHANAN MATTHEW <MATTHEW.BUCHANAN@PPP.SC.GOV>; Wallis Alves <walves@aikenpd.com>; SC - GAINES NICOLE <CPOPESC@SCCOURTS.ORG>
Subject: RE: [External] RE: Joseph Randolph

Good Morning,

I am available Tuesday at 9:30a. Thank you!

Jessica M. Saxon
Appellate Defender
SC Commission on Indigent Defense
1330 Lady Street, Suite 401
P.O. Box 11589
Columbia, SC 29201
Office: 803-734-1330

From: Pope, Courtney Clyburn Law Clerk (Ayesha Jihad) <cpopelc@sccourts.org>
Sent: Wednesday, March 17, 2021 10:51 AM
To: Saxon, Jessica <jsaxon@sccid.sc.gov>; SC - GAINES NICOLE <CPOPESC@SCCOURTS.ORG>
Cc: SC - BUCHANAN MATTHEW <MATTHEW.BUCHANAN@PPP.SC.GOV>; Wallis Alves <walves@aikenpd.com>; SC - GAINES NICOLE <CPOPESC@SCCOURTS.ORG>
Subject: [External] RE: Joseph Randolph

Good morning,

Judge Clyburn Pope may hear this on Tuesday next week at 9:30 am. Are all parties available then?

Best,

Ayesha Jihad
Law Clerk to the Honorable Judge Clyburn Pope
Second Judicial Circuit
cpopelc@sccourts.org

From: Saxon, Jessica <jsaxon@sccid.sc.gov>
Sent: Monday, March 15, 2021 10:26 AM
To: Pope, Courtney Clyburn Secretary (Nicole Gaines) <cpopesc@sccourts.org>
Cc: Pope, Courtney Clyburn Law Clerk (Ayesha Jihad) <cpopelc@sccourts.org>; SC - BUCHANAN MATTHEW <MATTHEW.BUCHANAN@PPP.SC.GOV>; Wallis Alves <walves@aikenpd.com>
Subject: Joseph Randolph

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Dear Judge Clyburn-Pope,

I hope this email finds you well.

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In compliance with the order from the Court of Appeals I'm writing to request a hearing before your Honor, to be scheduled at your earliest convenience, to address this oversight. I've included your law clerk, Ms. Alves, and Mr. Buchanan on this email so that all parties involved in the matter are on the same page. Please let me know what I can do to facilitate the scheduling of the hearing and if you have any questions for me.

Thank you!

Regards,

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## Matthews, Lindsey

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**From:** Pope, Courtney Clyburn Law Clerk (Ayesha Jihad) <cpopelc@sccourts.org>  
**Sent:** Thursday, March 18, 2021 10:58 AM  
**To:** Wallis Alves  
**Cc:** Saxon, Jessica; SC - BUCHANAN MATTHEW; SC - GAINES NICOLE  
**Subject:** [External] RE: Joseph Randolph 00324049

I was told that the inmate is on quarantine and they cannot advise when he will be done with quarantine. Please keep in touch with SCDC to see when he is available for videoconferencing and I will then reschedule this hearing.

Best,

Ayesha Jihad  
Law Clerk to the Honorable Judge Clyburn Pope  
Second Judicial Circuit  
cpopelc@sccourts.org

---

**From:** Wallis Alves <walves@aikenpd.com>  
**Sent:** Wednesday, March 17, 2021 2:14 PM  
**To:** Eckstrom.Jonathan@doc.sc.gov  
**Cc:** Pope, Courtney Clyburn Law Clerk (Ayesha Jihad) <cpopelc@sccourts.org>; Saxon, Jessica <jsaxon@sccid.sc.gov>; SC - BUCHANAN MATTHEW <MATTHEW.BUCHANAN@PPP.SC.GOV>; Pope, Courtney Clyburn Secretary (Nicole Gaines) <cpopescc@sccourts.org>  
**Subject:** Joseph Randolph 00324049

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Attorney Eckstrom:

Mr. Randolph has a case pending before the Court of General Sessions. Judge Courtney Clyburn-Pope wants to schedule a hearing for Tuesday, March 23, 2021 at 9:30am. This would be done on webex. Could you assist in making arrangement for Mr. Randolph to be available for the videoconference?

Thanks in advance.

Wallis Alves  
Post Office Box 276  
Barnwell, SC 29812  
(803) 541-1129  
[walves@aikenpd.com](mailto:walves@aikenpd.com)

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**From:** Pope, Courtney Clyburn Law Clerk (Ayesha Jihad) <[cpopelc@sccourts.org](mailto:cpopelc@sccourts.org)>  
**Sent:** Wednesday, March 17, 2021 10:51 AM  
**To:** Saxon, Jessica <[jsaxon@sccid.sc.gov](mailto:jsaxon@sccid.sc.gov)>; Pope, Courtney Clyburn Secretary (Nicole Gaines) <[cpopesc@sccourts.org](mailto:cpopesc@sccourts.org)>  
**Cc:** SC - BUCHANAN MATTHEW <[MATTHEW.BUCHANAN@PPP.SC.GOV](mailto:MATTHEW.BUCHANAN@PPP.SC.GOV)>; Wallis Alves <[walves@aikenpd.com](mailto:walves@aikenpd.com)>; Pope, Courtney Clyburn Secretary (Nicole Gaines) <[cpopesc@sccourts.org](mailto:cpopesc@sccourts.org)>  
**Subject:** RE: Joseph Randolph

Good morning,

Judge Clyburn Pope may hear this on Tuesday next week at 9:30 am. Are all parties available then?

Best,

Ayesha Jihad  
Law Clerk to the Honorable Judge Clyburn Pope  
Second Judicial Circuit  
[cpopelc@sccourts.org](mailto:cpopelc@sccourts.org)

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Thank you!

Regards,

Jessica M. Saxon  
Appellate Defender  
SC Commission on Indigent Defense  
1330 Lady Street, Suite 401  
P.O. Box 11589  
Columbia, SC 29201  
Office: 803-734-1330

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To: Pope, Courtney Clyburn Law Clerk (Ayesha Jihad)
Cc: Saxon, Jessica; SC - BUCHANAN MATTHEW; SC - GAINES NICOLE
Subject: [External] RE: Joseph Randolph 00324049

Wanted to update everyone.

I called SCDC to check on Mr. Randolph's quarantine status. I was advised that he will be moving to a different institution next week. I suspect that will mean a new quarantine period. I will keep checking to see when we might be able to schedule our hearing.

Wallis

Wallis Alves
2nd Circuit Public Defenders Office
Post Office Box 267
Barnwell, SC 29812
(803) 541-1129
walves@aikenpd.com

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<MATTHEW.BUCHANAN@PPP.SC.GOV>; Wallis Alves <walves@aikenpd.com>

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