



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

WILLIAM P. KEESLEY
JUDGE

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April 25, 2013

The Honorable Jenny Abbott Kitchings
Clerk, The South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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APR 29 2013
SC Court of Appeals

Re: State v. Joe Ross Worley (Appellate Case No. 2012-210646)

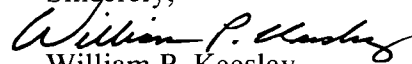
Dear Ms. Kitchings:

This is a 30-day update pursuant to the Order filed by the Court on March 28, 2013. We are trying to set up a status conference so I will know what portion of the record is missing. Various emails have been exchanged to try to make arrangements to comply with the Order from the Court of Appeals. There is also an issue related to my recusal, which is discussed below.

After hearing the Castle Doctrine/Defense of Persons and Property Act motion, I recused myself from further involvement because of the very fact specific findings that were required to be made and the possibility of an appearance that I had prejudged the cases. When The Honorable R. Knox McMahon subsequently recused himself, my understanding was that the Chief Justice appointed The Honorable R. Frank Addy to act as the administrative judge.

A motion for reconsideration was filed. With the consent of counsel, a written ethics opinion was obtained from John P. Freeman, Distinguished Professor Emeritus, regarding the propriety of deciding the reconsideration motion after recusal. His opinion was that I was obliged to do so, and I ruled on the motion and an attempt to supplement the record.

Because of my recusal, I do not know what part of the record is missing or what might be available to try to reconstruct the record. We will discuss the situation and notify the Court of the proposed plan of action as soon as possible. Thank you.

Sincerely,

William P. Keesley

cc: Attorneys of Record (Farthing, Myers, Ballard, Watson, Henderson, Garrett)
Judge McMahon & Judge Addy

William P. Keesley, Judge
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127 Courthouse Square
Edgefield, SC 29824-0010

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