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EXHIBIT A



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May 18, 2021

Sharon Hardoon
Circuit Court Reporter
1140 Woodruff Road, Unit 106,
Greenville, SC 29607

Dear Ms. Hardoon:

Please provide us with the following transcript:

Terry McCall v. The State

Appellate Case No. 2021-000385

County: Greenville

Presiding Judge: R. Scott Sprouse

Case #: 2020-CP-23-01497

Date of Trial: January 5-6, 2021

Pursuant to the SC Court Reporter's Manual, please number the lines on the paper from 1-25 and include any and all recorded motions (pretrial and post-trial). Consecutive numbering of pages must be used throughout all volumes regardless of the number of volumes involved. Additionally, please transcribe the **jury selection** and the State and defense counsel's **opening and closing arguments** and include the **jury strike sheet**. Please be sure to include **headers** and a **complete index** including a **listing of exhibits**. **Please, do not include keyword indexing.**

If you are aware of any co-defendants, additional transcripts, or if the Attorney General's Office has already requested a transcript, please let us know.

SCCID **prefers** that all transcripts are sent via **certified mail**. If you choose to send transcripts electronically, you must use the SC Department of Technology's file transfer service at <https://scfiledrop.sc.gov>. New users click the register button to sign up for the service. For assistance with registration or passwords, contact the SC Department of Technology Service Center at 803-896-0001, option 2.

To ensure prompt payment, please sign and complete the enclosed form and include the original criminal case number (indictment number) where the space is provided.

Sincerely,

s/Della White
Administrative Coordinator

cc: S. C. Supreme Court
Attorney General's Office
S. C. Court Administration

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 Della White	Phone Number 803-734-1330	Email Address dwhite@sccid.sc.gov	
Mailing Address 1330 Lady Street, Suite 401	City Columbia	State SC	Zip Code 29201
Transcript Information			
Docket Number 2020-CP-23-01497	Case Caption (i.e. State v. John Doe or Smith v. Smith) Terry McCall v. The State		
Date(s) of Proceeding January 5-6, 2021	Circuit X Family	County Greenville	
Presiding Judge R. Scott Sprouse	Expedited Yes No X		
Court Reporter(s) Sharon Haroon	Opposing Counsel		

Requestor's Signature: Della White
(Typed name will serve as signature)

Date: 05/18/2021

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EXHIBIT B

1 at notes, or anything.

2 All right. We're going to take a short
3 break, and then we're going to resume, and try to
4 formulate your last questions.

5 And, Mr. Smith, these last two witnesses,
6 are they going to be lengthy? Do we need to
7 recess this hearing and resume it in the morning?

8 MR. SMITH: Well, I don't know. We need
9 to speak with him about whether they can come
10 later or available tomorrow. I should have
11 questions about the preliminary hearing.

12 THE COURT: Well, I'm thinking, what we
13 need to do here is, we're going to finish
14 Mr. Chambers. And since we're doing this by Webex
15 or the virtual courtroom, we have some more
16 flexibility. We had a hearing cancel in the
17 morning, so we've got time in the morning to
18 finish it.

19 Are Miss Drawdy and Mr. Overby available
20 in the morning?

21 LAW CLERK: No, it's canceled in the
22 afternoon tomorrow.

23 THE COURT: Oh, it's canceled in the
24 afternoon?

25 LAW CLERK: Yes, at 2:30.

1 THE COURT: So it would resume tomorrow
2 afternoon. My law clerk just told me.

3 Miss Drawdy and Mr. Overby, could you
4 connect?

5 Mr. Overby, could you be available at two
6 o'clock tomorrow?

7 MR. OVERBY: I believe so, Your Honor. I
8 have a hearing in the morning. I'm not sure what
9 the status of that hearing is, to be honest with
10 you. But I can be available in the afternoon.

11 THE COURT: Okay. All right, very good.
12 Miss Drawdy, can you hear me?

13 MS. DRAWDY: Yes, sir. I can hear you.
14 I have a CLE tomorrow afternoon, but I am
15 available in the morning.

16 THE COURT: Okay. What time does your
17 CLE start?

18 MS. DRAWDY: Just a second. Let me go to
19 my calendar. And I don't know that I really have
20 anything to offer here, but I'll be glad to answer
21 any questions.

22 MS. DRAWDY: It's at one o'clock. It's
23 going to 3:00.

24 THE COURT: My law clerk -- 9:30 is
25 available. Could you do it at 9:30, Mr. Overby?

1 MS. DRAWDY: Yes, sir.

2 MR. OVERBY: I believe so. I can probably
3 get somebody in my office to do a fairly simple plea.
4 I can probably get somebody in my office to handle it.

5 THE COURT: All right. Well, let's do
6 this. Let's take a short break and then we will
7 finish Mr. Chambers and we'll recess the hearing
8 and we'll resume at 9:30 in the morning.

9 So Mr. Overby and Miss Drawdy, you all
10 will be dismissed for this evening and just
11 reconnect because I don't want you sitting here.
12 I'd rather us have too much time than not have
13 enough and it's six o'clock now. And, certainly,
14 I want Mr. McCall to have the opportunity to ask
15 all his questions and I want you to be able to
16 fully answer the questions that are answered.
17 Mr. Smith may have some questions as well that he
18 wants to ask Mr. Chambers in redirect, so I don't
19 know how long this is going to take.

20 But you all will be dismissed tonight.
21 Just reconnect in the morning at 9:30.

22 MS. DRAWDY: Thank you, Your Honor.

23 MR. OVERBY: Thank you, Your Honor.

24 MR. MCALL: Your Honor, I don't know if I
25 can get anybody here that can go back on the

1 computer for me court or whatever.

2 THE COURT: Can you talk to --

3 MR. MCALL: I don't have many more
4 questions but a few as far as the plea offer.

5 THE COURT: Well, I don't know what
6 Mr. Smith -- Mr. Smith may want to ask him some
7 questions and we got two other witnesses, and this
8 is going way beyond the time that's allotted for
9 it. So we'll work it out with the Department of
10 the Corrections. We'll work it out with them.
11 Okay.

12 So we're going to take a short break right
13 now, and then you can finish up.

14 (A break was taken from 5:55 p.m. to 6:06 p.m.)

15 THE COURT: Let's go back on the record.

16 All right. Mr. McCall, finish your
17 questioning.

18 MR. MCALL: Sir?

19 THE COURT: Finish your questioning.

20 BY MR. MCALL:

21 Q Mr. Chambers, when did you inform me of the plea
22 deal?

23 A I don't recall the specific date. I
24 specifically recall we talked about, and I think
25 we talked about it on more than one occasion. You

1 declined it and indicated you wanted to go to
2 trial.

3 Q Do you have any evidence to support that?

4 A It's my recollection, sir. I don't have
5 anything that supports that.

6 MR. MCALL: I don't think so, Your
7 Honor.

8 THE COURT: That question has been asked
9 and answered.

10 BY MR. MCALL:

11 Q Do you know the date that the plea offers were
12 made?

13 A I don't recall. I would have to look at the
14 written plea offer. Generally how that happens is
15 the solicitor usually talks to me about it first
16 and sends me something in writing. Sometimes they
17 just send me something in writing. Either way, I
18 did indicate to that to my client.

19 I would say again, I mean, there is -- I
20 would have liked for you to take this. There was no
21 reason for me to force you to go to trial without us
22 talking.

23 Q Okay. One of the plea offers expired on the same
24 day that it was given.

25 A I do not recall that. That would be unusual.

1 It could be that there was a typo or -- because I
2 never had a solicitor give me an offer that
3 expired on the day they gave it to me. But I
4 don't have it in front of me, so I don't know what
5 it says.

6 Q Did you do anything to extend that plea offer?

7 A You usually do that -- I had discussions with
8 the solicitor. If there is a reason -- I may say
9 to the solicitor, hey, I've talked to my client,
10 he's mulling things over, can I have extra time,
11 that sort of thing. But I don't specifically
12 recall anything like that in this case.

13 Q Okay.

14 MR. MCALL: That's all my questions to
15 the plea, Your Honor. It's getting late.

16 THE COURT: Mr. Smith, any redirect?

17 MR. SMITH: Just a few, Your Honor. We
18 covered some. Let me keep it very brief.

19 REDIRECT EXAMINATION

20 BY MR. SMITH:

21 Q So you didn't have a indictment, but you
22 understand Mr. McCall is going to trial for DUI?

23 A It either would have been great bodily injury
24 or resulting in death. Those are the only two
25 things that are referred to the particular

1 statute. Again, based on the discovery, we knew
2 that it was great bodily injury.

3 Q Okay.

4 A Listen, this may not be responsive. I do
5 want to make sure -- I don't think the proper
6 procedure was followed. I didn't think that they
7 obtained a warrant right up front and they didn't.
8 That was the reason for my motion at trial.

9 MR. SMITH: I don't think I have any
10 other questions.

11 THE COURT: Okay. All right, thank you,
12 Mr. Chambers.

13 MR. CHAMBERS: Am I excused, Your Honor?

14 THE COURT: Yes, have a good evening.

15 MR. CHAMBERS: You do the same.

16 THE COURT: All right. Mr. McCall, is
17 Ms. Branch sitting in there with you?

18 MR. MCALL: No, sir. I'll go look for
19 her next door.

20 THE COURT: Mr. Smith, do you have an
21 email or need to confirm with them that he needs
22 to be available in the morning the 9:30?

23 MR. SMITH: I can.

24 MR. MCALL: They can come back from the
25 work release yard. They have no problem with

1 that.

2 THE COURT: Okay. I want to make sure
3 that he's available.

4 MR. MCALL: I have a phone number for the
5 manager, Judge, Miss Branch. We also have -- I
6 think I have her email address too.

7 THE COURT: Okay. Well, I just don't
8 want him to be out-of-pocket. I don't know what
9 their procedure is. I think everybody else is on
10 board, and we'll resume this in the morning and
11 you can call your last two witnesses, and then I'm
12 going to give each side time to make a supporting
13 statement to me about their positions.

14 MR. MCALL: My only concern, Judge, would
15 be, I'm not -- Miss Branch may not be the same
16 person on duty and that's the only phone number
17 and email address I have.

18 MR. MCALL: She said she would be here
19 tomorrow. I talked to her. I can make a phone
20 call tomorrow so she will be here.

21 THE COURT: You make sure you tell them
22 you need to be available in the morning.

23 We will close the record for the evening.
24 We'll resume in the morning.

25 (The hearing was concluded.)

CERTIFICATE OF REPORTER

1
2
3 I, SHARON G. HARDOON, Official Circuit
4 Court Reporter, III for the State of South Carolina at
5 Large, do hereby certify that the foregoing is a true,
6 accurate and complete Transcript of Record of the
7 proceedings had and evidence introduced in the hearing
8 of the captioned case, relative to appeal, in General
9 Sessions for Greenville County, Greenville, South
10 Carolina.

11
12 I do further certify that I am neither kin,
13 counsel, nor interest to any party hereto.
14

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16 July 22, 2021
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Sharon G. Hardoon, CSR
Official Circuit Court Reporter, III

Respondent called Drawdy as a witness at the hearing. She testified that she has been practicing law for twenty-eight years, with twenty-six of those years being spent in Greenville County. She testified that she previously worked at the Thirteenth Circuit Solicitor's Office, and was assigned the prosecution of Applicant about two weeks after he was arrested in the underlying criminal case. She testified that it may have been possible that the letter communicating the details of the plea offer to trial counsel gave an expiration date that was the same as the date of the letter's issuance, but explained that such a thing would have been due to the fact that the letter was generated by an automated system at the Thirteenth Circuit Solicitor's Office. She testified that she thinks she remembers extending the offer of a ten-year sentencing recommendation if Applicant were to plead guilty and that she and trial counsel discussed renewing the offer even after the deadline for acceptance had passed.

She testified that Applicant's stay in jail from the time of his arrest was not due entirely to the charges at issue in the underlying criminal case and that his stay was not continuous from the time of his arrest until the time of trial. She testified as to the periods of time in which he was in jail and was out of jail. By her testimony, Applicant was held in the Greenville County Detention Center for a total of 352 days from the time of his arrest until trial, if you add up all of the different stays.

She testified that trial counsel was initially appointed to represent Applicant on multiple criminal charges, but was relieved—at Applicant's request—on all of those charges except for the one in the underlying case: felony DUI. She testified that the court order relieving counsel memorialized an oral ruling issued from the bench during a hearing on Applicant's initial motion to relieve counsel. She testified that she was present for that hearing, which she testified took place on February 24, 2015. She testified that, at that hearing, Applicant said that he wanted to have trial

counsel relieved as counsel on every pending charge except for the one of felony DUI. She testified that, although Applicant did not specifically include that limitation in the motion that he filed, Judge Hill, who presided over that hearing, allowed Applicant to make that request orally at the hearing. She testified that Applicant told Judge Hill at that hearing that trial counsel had previously represented him in criminal cases and that he wanted trial counsel to continue representing him in the felony DUI case because he believe such representation would be beneficial to him and he felt comfortable with trial counsel. She testified that Judge Hill issued a written order after that hearing because he wanted those at the detention center to know that Applicant was pro se on some of his cases so that he would have access to legal resources and the like. She testified that the case number for Applicant's felony DUI charge was listed at the top of Applicant's motion to relieve counsel but is not listed at the top of Judge Hill's subsequent order relieving trial counsel.

She testified that she was under the impression that Applicant "waffled" back and forth as to whether he was happy with trial counsel's representation. She testified that trial counsel did not bring up the matter of being relieved again until trial. She testified that she was served with Applicant's second motion to relieve trial counsel. She and trial counsel discussed the motion on the first day of trial, and trial counsel told her that Applicant had decided to proceed with trial counsel's representation. She testified that trial counsel said that he and Applicant wanted to try the case and that they did not bring the matter up with Judge Stilwell.

She testified that she saw trial counsel and Applicant talk with one another on multiple occasions. She does not know what the two talked about, but trial counsel approached her after one of those meetings to say that Applicant had rejected the ten-year plea offer and that Applicant would never plead guilty.

She testified that a preliminary hearing was held early on in this case and that a magistrate judge found at that hearing that there had been probable cause for the arrest of Applicant. She also testified that, according to South Carolina Code Section 56-7-10, a traffic ticket is an appropriate charging document for felony DUI, which is a traffic offense.

On cross-examination, Drawdy testified that she learned of Applicant's motion to relieve counsel on the morning of trial.

Applicant's motion for bail is denied.

On September 30, 2020, Applicant filed a motion for bail. Respondent filed its return to the motion on November 5, 2020. Applicant argued before this Court, in reliance upon South Carolina Code Section 17-27-80, that he is entitled to bail due to the COVID-19 pandemic.

This Court denies Applicant's motion because bail is not meant for an applicant in Applicant's position. "The primary purpose of bail in a criminal case is to relieve the accused of imprisonment, and the state of the burden of keeping him, pending the trial (or pending appeal), and at the same time, to put the accused as much under the power of the court as if he were in the custody of the proper officer, and to secure the appearance of the accused so as to answer the call of the court and do what the law may require of him." State v. Gibbs, 353 S.C. 226, 229, 577 S.E.2d 454, 456 (2003) (citation omitted). Because Applicant was convicted and his conviction was affirmed by the South Carolina Court of Appeals, he is no longer an "accused." He has been found to be guilty and has been sentenced accordingly. The remittitur in Applicant's direct appeal was issued on February 21, 2020; finality has been achieved in this case. Applicant is no longer situated so as to lay claim to bail.

Furthermore, this Court denies Applicant's motion because this Court does not have the authority to grant Applicant a bond because, due to the nature of Applicant's sentence, that authority is reserved to the appellate courts of South Carolina only. When a defendant has been