

**RECEIVED**

**Jan 24 2022**

**SC Court of Appeals**

**DOCUMENTATION OF TIMELY REQUEST AND  
MOTION TO FILE REQUEST OUTSIDE OF TIME**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Jocelyn Newman, Circuit Court Judge

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Case No. 22021-001527

Tina Patton,

Appellant,

v.

Linda Doty,

Respondent.

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**DOCUMENTATION OF TIMELY REQUEST AND MOTION  
TO FILE REQUEST OUTSIDE OF TIME**

Attorney Thornwell Simons, on behalf of Ms. Tina Patton, Appellant, files this Motion in the above-captioned matter.

Counsel is in receipt of a letter from the Court of Appeals requiring submission of proof that a transcript of the trial below has been timely requested. A transcript of the original trial in the Magistrate Court was first requested from Creel Reporting on August 10, 2021. A copy of the email documenting that request is attached as Attachment A. A copy of said transcript was provided by Creel Reporting on August 13, 2021 and was filed with the Circuit Court below on August 18, 2021. A copy of the efile documentation of that filing is also attached as Attachment B.

A transcript of the oral argument before Richland County Circuit Court Judge Jocelyn Newman on August 27<sup>th</sup>, 2021 has not yet been requested. As the Circuit Court in

this matter sat in an appellate capacity, without examination of witnesses or introduction of any new evidence, and as the Circuit Court made no findings of fact nor any ruling on the record at that hearing, but merely took the case under advisement, the provision of such a transcript would be a waste of time and money and serve no purpose. Documentation that the matter was taken under advisement with no additional findings or rulings at that time was provided to all parties by the sccourts.org electronic filing system and a copy of that notice, as well as a copy of the Circuit Court's final Order, is attached as Attachment C.

Ms. Patton is indigent and this is an appeal of a criminal matter, for which no filing fee is required. As is explained in defense counsel's Motion to be Relieved as Counsel, filed contemporaneously with this Motion, Ms. Patton cannot rely on the Richland County Public Defender's Office or on the Office of Indigent Defense to cover the costs of preparing any additional transcription. Requiring Ms. Patton to provide, at her own expense, the unnecessary and wasteful additional transcription of irrelevant material would unjustifiably bar her pursuit of this appeal of her criminal conviction – an appeal of a matter wherein, as explained in the contemporaneously-filed Brief, she was denied her right to discovery and her right to jury trial, fundamental rights under the South Carolina and Federal Constitutions.

Ms. Patton therefore requests:

- I. That the complete transcript of the trial below, already prepared and submitted to the Circuit Court, be accepted as sufficient transcription satisfying the requirements of SCACR 207, and the attached documentation be accepted as documentation of the timely request of said transcription. A complete copy of the full transcript can be provided if necessary.

- II. In the first alternative, if additional information concerning the Circuit Court's ruling affirming the trial court is required, Appellant would suggest that the proper remedy is an Order from this Court, under SCACR 212(a), remanding this matter back to the Circuit Court and requesting that Court supplement the record with a more detailed written Order.
- III. In the second alternative, if additional transcription is required at Appellant's expense, that Appellant be granted leave to file outside of time under Rule 207. Specifically, Appellant requests a continuance of ninety days within which to request the preparation of any additionally required transcript(s), seek the assistance of pro bono counsel, and to marshal her extremely limited resources for the pursuit of this appeal.

January 24, 2022



s/  
Thornwell Simons  
S.C. Bar # 73719  
Richland County Public Defender's Office  
1701 Main Street  
Columbia, SC 29201  
(803) 765-2592, xt 117  
Attorney for Appellant

Other Counsel of Record:

Mr. Charnell Glen Peake,  
9357 Two Notch Road,  
Columbia, SC 29223  
Attorney for Respondent

Attachments:

Attachment A: Email from Creel Reporting documenting receipt of transcript request  
Attachment B: Email from sccourts.org EFS documenting filing of transcript  
Attachment C: Email from sccourts.org EFS documenting matter was taken under advisement as of Aug 27, 2021 and Final Order signed Dec 9, 2021

# Attachment A

## THORNWELL SIMONS

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**From:** contact@creelreporting.com  
**Sent:** Tuesday, August 10, 2021 9:54 AM  
**To:** Krystal Grant  
**Cc:** THORNWELL SIMONS  
**Subject:** RE: Transcription for Tina Robin Patton Case

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hey Krystal!

Thank you for your request we will keep an eye out for the disc. Do you happen to have a case caption and the names of the people who will be speaking on the video? Did you say that you needed the transcript no later than the 16<sup>th</sup>?

Thank you!

-Coral



**Creel Court Reporting, Inc.**

**P:** (803) 252-3445

**W:** [creelreporting.com](http://creelreporting.com)

**A:** 1230 Richland St, Columbia SC 29201

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**From:** Krystal Grant <Grant.Krystal@richlandcountysc.gov>  
**Sent:** Tuesday, August 10, 2021 9:10 AM  
**To:** 'contact@creelreporting.com' <contact@creelreporting.com>  
**Cc:** THORNWELL SIMONS <SIMONS.THORNWELL@richlandcountysc.gov>  
**Subject:** Transcription for Tina Robin Patton Case

Good morning,

I am reaching out to get an one hour Disc transcribed for Tina Patton's case per the request of her attorney Mr. Thornwell Simons. We would like to have this expedited as a non-expedited transcript would likely not be ready in time. Someone from our office will drop the disc off today.

Thank You,

Krystal Grant  
Paralegal  
Richland County Government  
Office of Public Defender  
(803) 765-2592 (O) ext. 139  
[grant.krystal@richlandcountysc.gov](mailto:grant.krystal@richlandcountysc.gov)

# Attachment B

**THORNWELL SIMONS**

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**From:** efiledonotreply@sccourts.org  
**Sent:** Wednesday, August 18, 2021 10:56 AM  
**To:** THORNWELL SIMONS  
**Cc:** thornwellsimons@gmail.com  
**Subject:** Courtesy NEF RE: 2020CP4001221

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
NOTICE OF ELECTRONIC FILING [NEF]

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**A filing has been submitted to the court RE: 2020CP4001221**

**Official File Stamp:** 08-18-2021 10:56:00 AM  
**Court:** CIRCUIT COURT  
Common Pleas  
Richland  
**Case Caption:** Tina Robin Patton VS Linda Doty  
**Document(s) Submitted:** Appeal/Appellate Brief  
Transcript/Transcript of Testimony  
**Filed by or on behalf of:** Thornwell Simons

This notice was automatically generated by the Court's auto-notification system.

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**The following people were served electronically:**

Charnell Glenn Peake for Linda Doty  
Thornwell Simons for Tina Robin Patton

**The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:**

Linda Doty for Linda Doty  
Linda Doty for Linda Doty

~~~~ 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 attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

# Attachment C

## THORNWELL SIMONS

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**From:** efiledonotreply@sccourts.org  
**Sent:** Friday, August 27, 2021 2:54 PM  
**To:** THORNWELL SIMONS  
**Cc:** thornwellsimons@gmail.com  
**Subject:** Courtesy NEF RE: 2020CP4001221

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
NOTICE OF ELECTRONIC FILING [NEF]

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**A filing has been submitted to the court RE: 2020CP4001221**

**Official File Stamp:** 08-27-2021 02:53:53 PM  
**Court:** CIRCUIT COURT  
Common Pleas  
Richland  
**Case Caption:** Tina Robin Patton VS Linda Doty  
**Document(s) Submitted:** Form 4 Following a hearing on August 27, 2021, conducted via Form 4  
Following a hearing on August 27, 2021, conducted via Cisco WebEx, this  
matter is TAKEN UNDER ADVISEMENT.  
**Filed by or on behalf of:** Jocelyn Newman

This notice was automatically generated by the Court's auto-notification system.

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**The following people were served electronically:**

Charnell Glenn Peake for Linda Doty  
Thornwell Simons for Tina Robin Patton

**The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:**

Linda Doty for Linda Doty  
Linda Doty for Linda Doty

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**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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Richland Common Pleas

**Case Caption:** Tina Robin Patton VS Linda Doty

**Case Number:** 2020CP4001221

**Type:** Order/Electronic Form 4

So Ordered

Jocelyn Newman

Electronically signed on 2021-12-09 13:22:20 page 3 of 3

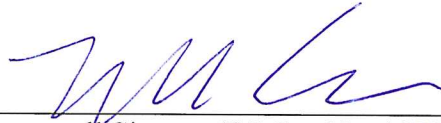
**RECEIVED**

**Jan 24 2022**

**SC Court of Appeals**

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused a copy of the foregoing document to be served upon opposing counsel via electronic mail in the above captioned case, on this date, January 24, 2022.



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Thornwell Simons (SC Bar No. 0073719)  
Richland County Public Defender's Office  
1701 Main St., Suite #103  
Columbia, South Carolina 29201  
(803) 765-2592