

20 April 2022

**RECEIVED**

APR 25 2022

**SC Court of Appeals**

Alan Nix  
c/o Michael & Taryn Lazroff  
1401 Densmore Circle  
Mt. Pleasant, SC 29466

SC Court Administration  
Attn: Transcript Challenge  
1220 Senate St., Ste. 200  
Columbia, SC 29201

Ms. Krystal Smith  
P.O. Box 13563  
Florence, SC 29504

RE: Transcript Challenge, 7 January 2022 transcript (attached as Exhibit T1)  
Appeal 2022-00064

Dear Ms. Holmes.

I sent this transcript challenge via email on the afternoon of 10 April 2022 and am following up with a mailed copy as well.

Included with this transcript challenge are the following exhibits.

T1 – ten page transcript received from Ms. Krystal Smith via email on 25 March 2022

T2: pages two, seven and eight from the Pennington / Cothran / Uricchio order dated 7 January 2022

T3 – copy of my transcript request dated 11 Jan 2022 and emailed the same day

T4 – email from BMack dated 15 Dec 2022, which is a forwarded email from "GSDocket@charlestoncounty.org"

As you directed in your email of 29 March 2022, please see the following responses to the items you stated were required.

1. Alan Nix  
c/o Michael & Taryn Lazroff  
1401 Densmore Circle  
Mt. Pleasant, SC 29466  
agnix1@hotmail.com
2. 7 January 2022

3. The State of South Carolina vs Alan Gregory Nix  
Case number 2021A1010200475  
Case number 2021GS1002599
4. Court Reporter name – electronic
  - a. Court transcriber – Krystal Smith
5. Opposing Counsel:
  - a. Nicki Uricchio  
101 Meeting St., Ste. 400  
Charleston, SC 29401
  - b. D. Ashley Pennington  
101 Meeting St., Ste. 500  
Charleston, SC 29401
6. **Initial Dispute:** Ms. Smith, on page four, line three of the attached transcript, reports the first thing stated in this hearing as: "*Mr. Uricchio: Your Honor, we are here today for a motion to clarify judgment.*"

I believe it is customary for the judge, one of the judge's clerks, someone from Ms. Armstrong's office or someone else other than the Plaintiff or Defendant to call the case to begin any type of court proceeding. Clearly this type of opening is not included in Ms. Smith's transcript.

While I am not an attorney, I suspect it would be more than slightly unusual for the Plaintiff or Defendant to be running such a proceeding.

I suspect that the recording Ms. Smith was provided did not include whatever was stated prior to Mr. Uricchio stating, as fact, that "*we are here today for a motion to clarify judgement*".

This challenge requests the transcript be corrected to include the information at the beginning related to the case being called, case numbers, parties, etc.

I will note again, that given the circumstances and parties involved, it is likely this transcript will be required for additional legal proceedings other than just this current appeal. Consequently, I will also be filing a motion to receive the recording and other information related to this hearing. I would not rush this review / correction since I will want to wait until I have the actual recordings related to this matter before abandoning this challenge.

Best regards,



Alan Nix

PS. I still require a valid explanation for why my transcript request was not acted upon for more than two months. (eg. 1 Jan 2022 till 18 Mar 2022) Please provide this required explanation at once.

cc.  
Natalie Ham

Alan Wilson

Charleston County Attorney  
4045 Bridge View Dr.  
North Charleston, SC 29405

SC Attorney General  
1000 Assembly St.  
Columbia, SC 29201

Troy Thames  
Wilson, Jones, Carter & Baxley  
4922 O'hear Ave.  
North Charleston, SC 29405

Kevin Mims  
Luzuriaga Mims  
1156 King St.  
Charleston, SC 29403

Ashley Pennington  
Charleston County Public Defender Corp  
101 Meeting St.  
Charleston, SC 29401

Hervy Young  
SC Commission on Indigent Defense  
1330 Lady St., Ste. 401  
Columbia, SC 29201

Elizabeth Hutto  
SC Department of Mental Health  
2414 Bull St.  
Columbia, SC 29202

Anne Drachman  
Medical University of South Carolina  
179 Ashley Ave.  
Charleston, SC 29425

✓ Jenny Abbott Kitchings  
SC Court of Appeals  
1220 Senate St.  
Columbia, SC 29201

State of South Carolina	)	Court of General Sessions
	)	Ninth Judicial Circuit
County of Charleston	)	Case No. 2021-GS-10-02599
	)	Case No. 2021-GS-10-02600
	)	
	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
	)	
Alan Gregory Nix,	)	
	)	
Defendant.	)	
	)	

January 7, 2022  
Charleston, South Carolina

B E F O R E:

The Honorable R. Ferrell Cothran, Judge

A P P E A R A N C E S:

Nicholas Uricchio, Esquire  
Attorney for the State

Ashley Pennington, Esquire  
Attorney for the Defendant

Proceedings taken down electronically

Transcribed by:  
Krystal J. Smith  
Official Circuit Court Reporter

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I N D E X

<u>WITNESS/DESCRIPTION</u>	<u>PAGE NUMBER</u>
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1 JANUARY 7, 2022

2 (WHEREUPON, the proceedings began at 9:43 a.m.)

3 MR. URICCHIO: Your Honor, we are here today for a  
4 motion to clarify judgment. The defendant did not show.

5 Your Honor, this is a situation where I believe we have  
6 probably a competency and a mental health issue. The  
7 defendant has sent me multiple letters a day, multiple  
8 emails. He attaches everybody on his emails. It seems like  
9 he has a fixation on a prior foreclosure which involves his  
10 criminal charges. He sent us an email at 4:45 last night,  
11 attached pretty much everyone in Charleston County that's an  
12 attorney or otherwise.

13 He has not showed today. We don't believe he's going to  
14 show today. The State would request a competency evaluation  
15 for this defendant.

16 MR. PENNINGTON: May it please the Court, Your Honor?

17 THE COURT: Yes.

18 MR. PENNINGTON: Ashley Pennington. I'm standing in for  
19 Benjamin Mack, who is counsel of record, but as you know, I'm  
20 the manager of the office and I've been involved with this  
21 Nix case for the last year.

22 To give the Court some context, Mr. Nix was arrested in  
23 January of last year related to the fact that he hadn't been  
24 paying what I understand were regime fees in his neighborhood  
25 in Dunes West, and he was evicted for that and then there was

1 communications with deputies.

2 THE COURT: Wait a minute. So tell me -- I missed that.  
3 He was evicted for what?

4 MR. PENNINGTON: He apparently -- and the solicitor  
5 probably knows more than I do, but he was supposed to be  
6 paying regime fees in --

7 THE COURT: Oh, okay.

8 MR. PENNINGTON: --, Dunes West.

9 THE COURT: I missed that part. I understand. Okay.

10 MR. PENNINGTON: So that ultimately, surprisingly, led  
11 to an eviction, and his response was to resist the eviction.  
12 He did not leave on time. There was some communications with  
13 the county attorney's office that were viewed as threatening,  
14 and so he was arrested for trespassing, opposing legal  
15 process, and intimidation of court officials.

16 He was put in on a composite bond of 65,000. He's not  
17 violated that bond. He's been released and I believe he's  
18 living out of county, although his whereabouts are not  
19 entirely clear to us. I'll explain why that hasn't been an  
20 issue.

21 We have -- we picked him up during the about eight days  
22 that he was in jail. He couldn't be -- he was not physically  
23 screened by us. He was screened virtually, and he was  
24 accepting of that representation at that time. We requested  
25 a prelim, discovery, and started communications with him.

1 He's maintained that communication abundantly. He's a  
2 prolific writer. He has a very thoughtful, analytical mind,  
3 but he only sees trees. He can't see the forest.

4 And where we've been, Judge, is that we've attempted to  
5 have a private evaluation to help us understand where we are.  
6 He initially agreed, then resisted.

7 We had a preliminary hearing, and at that time at the  
8 preliminary hearing we tried to get him to appear at that,  
9 but he interpreted the bond as not allowing him to. And  
10 that's not completely odd in that there were restrictions  
11 about coming to the court facilities. When we tried to  
12 clarify that, we couldn't quite get there.

13 He -- this is a hearing we filed for. He has not -- we  
14 were asking for clarification about our representation  
15 because he began to object to our actions.

16 I did a couple of these Monday with Judge Jefferson with  
17 folks that are in custody. She has commonly approached this  
18 that if there are indications that the person is having  
19 trouble trusting their attorney or understanding the context  
20 of their litigation that she would order a competency  
21 evaluation. So I'm here to say that and my guess is that  
22 that would be indicated in this case.

23 He is still out on bond and what I perceive will happen  
24 downstream is that we will give him a date to appear as an  
25 outpatient at the local MUSC evaluator's office. He'll have

1 to make a decision if he shows up or not. If he fails to  
2 appear, then I would imagine there might be a rule that would  
3 be filed and we would deal with it at that time, but I do  
4 want to stress that this is not a case where we -- he has at  
5 this point violated his bond.

6 THE COURT: Okay. Now, what -- as far as the crime is  
7 concerned, how serious does the Solicitor's Office take what  
8 he's done? I mean we're fixing to spend a lot of money and a  
9 lot of time, and I don't want to do all this and y'all nolle  
10 pros the case.

11 Because I got somebody -- I mean I have -- and I -- I  
12 was a solicitor for 25 years and we had similar people. And  
13 when it was all said and done, we should have dropped the  
14 charges I mean and then if he wasn't a future threat. We  
15 ended up buying a ticket to Albuquerque and we sent him to  
16 Albuquerque, we've sent him to Buffalo, we've sent him -- so  
17 before I do all this, are y'all's intentions to press forward  
18 with these charges and have him answer this crime?

19 MR. URICCHIO: Your Honor, the charges themselves I will  
20 say at this time yes. What basically happened was there was  
21 a foreclosure order filed on his home. He started emailing  
22 the Charleston County Sheriff's Office, among others,  
23 basically saying he was not going to comply with the  
24 foreclosure.

25 He also went to the county attorney's office, handwrote

1 a note, and I -- I'm paraphrasing. I don't have the exact  
2 wording in front of me, but basically was this is the  
3 headline in the paper tomorrow: Shootout with Wrongful  
4 Foreclosed Owner and the Charleston County Sheriff's Office.

5 Charleston County sheriffs kept emailing with him and to  
6 try and see if they could work something out to have him  
7 removed from the property. At one point in his emails, he  
8 writes rules of engagement. I'm once again paraphrasing  
9 because I don't have the email exactly in front of me, but  
10 basically says anybody who steps foot in my home will be  
11 considered a threat.

12 THE COURT: Okay.

13 MR. URICCHIO: So -- and then when he finally left the  
14 premises, he was arrested. Nothing happened. However, when  
15 they went into the home to start the foreclosure process, he  
16 had a perch set up in his house overlooking the front door  
17 with ammunition and weapons. So it looked like he was going  
18 to carry out the threat.

19 THE COURT: Okay.

20 MR. URICCHIO: We have dismissed the intimidation of the  
21 court official charge. However, we have directly indicted  
22 him for threatening the life of a public official, which is  
23 the appropriate charge.

24 Today I planned on serving that direct indictment on him  
25 if he had shown. He did not show today. And like I said, we

1 have serious concerns about his competency and mental  
2 stability.

3 THE COURT: All right.

4 MR. URICCHIO: And that's why we'd be asking.

5 THE COURT: And so if y'all prepare me an order.

6 Now, are we going to just do competency and we're not  
7 doing M'Naghten?

8 MR. PENNINGTON: That's correct.

9 THE COURT: Okay. Somebody prepare me an order and I'll  
10 be glad to sign it. Now, if he doesn't comply and he doesn't  
11 show up, I mean what is y'all -- if he's in custody, that  
12 makes it pretty easy. When he doesn't, where do we go from  
13 there?

14 MR. URICCHIO: I mean the next -- the next -- the next  
15 move I would intend to make would be to either do a rule to  
16 show cause and ask for a bench warrant or I would like -- and  
17 I'll probably make a motion to arraign him on the direct  
18 indictment. If he doesn't show up then, I think that's more  
19 than enough to issue a bench warrant.

20 THE COURT: Okay. Okay.

21 MR. PENNINGTON: We'll prepare an order, Judge.

22 THE COURT: Thank you.

23 MR. URICCHIO: Thank you for your time, Your Honor.

24 MR. PENNINGTON: Thank you.

25 (WHEREUPON, the proceedings ended at 9:50 a.m.)



FILED

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

2022 JAN 13 PM 1:03  
JULIE J. ANDERSON  
CLERK OF COURT

THE COURT OF GENERAL SESSIONS  
Indictment No. (s): 2021-GS-10-02599  
A/Warrant No. (s): 2021AI010200475

The State of South Carolina

Plaintiff

v.

**ORDER FOR COMPETENCY TO STAND  
TRIAL EVALUATION PURSUANT TO  
STATE V. BLAIR**

EVALUATION BY:  
(Select Only One)

Department of Mental Health (Mental  
Illness)

OR

Department of Disabilities and Special Needs  
(Intellectual Disability or Related Disability)

ALAN GREGORY NIX

Defendant

This matter is before me for an order requiring defendant ALAN GREGORY NIX, charged with Threatening Life of Public Official; Resisting Service of Process, to submit to an evaluation for competency to stand trial pursuant to State v. Blair, 275 S.C. 529, 273 S.E.2d 536 (1981) and S.C. Code Ann. § 44-23-410 (1976).

**BASIS FOR ORDER.** I have considered the showing made in support of the motion requesting this evaluation and have reason to believe defendant may lack the competency to understand the criminal proceedings or to assist with the defense as a result of a lack of mental competence.

This order is issued for the following reasons:

The Defendant failed to appear for a hearing before the Court on January 7, 2022. The hearing was on the defense's motion to clarify the defendant's representation. Defense Counsel verified that the defendant had actual notice of the date, time and location of the hearing. The Defendant emailed counsel for the state at 4:40 am that he had had a bad dream that morning and that he feared he was suffering from delusions regarding an arrest that he could not remember on November 2021. The defendant said he was going for medical care. The defendant did not appear at the hearing.

**THEREFORE, IT IS ORDERED:** Defendant shall be examined and observed at an appropriate facility by two examiners of the Department of Mental Health if suspected of having

**FILING, SERVICE, AND TRANSMITTAL OF ORDER.** It is the responsibility of counsel for the party requesting the evaluation to file and serve this order as outlined herein. In the event the evaluation has been requested by consent, or the moving party cannot be determined, defense counsel shall be responsible. After being signed by the Court, the original order without attachments shall be immediately filed with the Clerk of Court and a certified copy served upon the opposing party. Further, within five (5) business days, a certified copy of this order, together with the attachments listed at the end of this order, must be served upon the examining agency at the address listed below. To expedite commencement of the evaluation process and scheduling of the clinical interview, counsel is instructed to immediately contact the examining agency to advise of the issuance of this order and forthcoming service upon the agency.

**Evaluation Order Service Information**

Department of Mental Health

Forensic Evaluation Service Paralegal  
S. C. Department of Mental Health  
CBHS Forensic Center  
7901 Farrow Road  
Columbia, S.C. 29203-3220  
(803) 935-5540 (Phone)  
(803) 935-5544 (Fax)  
Email: FES-PARALEGAL@SCDMH.ORG

Department of Disabilities and Special Needs

Office of Clinical Services  
Department of Disabilities and Special Needs  
Post Office Box 4706  
Columbia, S.C. 29240  
(803) 898-9694 (Phone)  
(803) 898-9660 (Fax)  
Email: OBSForensics@ddsn.sc.gov

AND IT IS SO ORDERED.

  
Presiding Circuit Judge


R. Ferrell Colbran, Jr.  
Printed Name of Presiding Circuit Judge

Charleston, South Carolina

Dated: January 7, 2021

Nick Urschio  
Prosecutor  
101 Meeting St. Ste. 400

D. Ashley Pennington  
Defense Counsel  
Charleston County Public Defender's  
Office, 101 Meeting St. 5<sup>th</sup> fl.

FILED  
2022 JAN 13 PM 1:03  
JULIE J. ARMSTRONG  
CLERK OF COURT  
BY 

Address  
Charleston, SC 29401  
City, State, Zip  
(843) 958-1900  
Telephone  
urichion@scsolicitor9.org  
Email

Address  
Charleston, SC 29401  
City, State, Zip  
(843) 958-1850  
Telephone  
apennington@charlestoncounty.org  
Email

## 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](mailto: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			
<b>Full Name</b> Alan Nix	<b>Phone Number</b> 843.991.4170	<b>Email Address</b> Agnix1@hotmail.com	
<b>Mailing Address</b> 1401 Densmore Circle	<b>City</b> Mount Pleasant	<b>State</b> SC	<b>Zip Code</b> 29466
Transcript Information			
<b>Docket Number</b> 2021-A10-10200475. 2021-A10-10200476. 2021-GS-02599	<b>Case Caption</b> (i.e. State v. John Doe or Smith v. Smith) State v Alan Nix		
<b>Date(s) of Proceeding</b> 7 January 2022	<b>Circuit</b> <input type="checkbox"/> <b>Family</b> <input type="checkbox"/>	<b>County</b> Charleston	
<b>Presiding Judge</b> Cothran (what I was told by Opposing Counsel)	<b>Expedited</b> Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>Court Reporter(s)</b> Do not know – can't find motion roster for Motion to Clarify Counsel!	<b>Opposing Counsel</b> Ashley Pennington / Benjamin Mack- Charleston County Public Defender Corporation Scarlet Wilson / Nicholas Urrichio – Charleston County Solicitor Office		

**Requestor's Signature:** Alan Nix  
(Typed name will serve as signature)

**Date:** 11 Jan 2022

**Note:** If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.

For Court Reporter Use Only			
<b>Full Name</b> _____	<b>Date Received</b> _____	<b>Email Address</b> _____	
<b>Notice of Estimate to Requestor Party</b> Date: _____ Number of Pages: _____ Estimated Amount _____			
<b>Mailing Address for Payment</b> _____	<b>City</b> _____	<b>State</b> _____	<b>Zip Code</b> _____

**agnix1@hotmail.com**

---

**From:** Benjamin A. Mack <BMack@charlestoncounty.org>  
**Sent:** Wednesday, December 15, 2021 4:09 PM  
**To:** agnix1@hotmail.com  
**Subject:** FW: PLEA-2021A1010200475-ALAN GREGORY NIX

FYI.

Benjamin A. Mack  
Assistant Public Defender  
South Carolina's 9th Judicial Circuit  
101 Meeting Street, 5th Floor  
Charleston, South Carolina 29401  
843.958.1884

**From:** Chas County GS Docket <GSDocket@charlestoncounty.org>  
**Sent:** Wednesday, December 15, 2021 3:50 PM  
**To:** Benjamin A. Mack <BMack@charlestoncounty.org>  
**Subject:** PLEA-2021A1010200475-ALAN GREGORY NIX

COURT OF COMMON PLEAS  
AND GENERAL SESSIONS  
100 BROAD STREET, SUITE 106  
CHARLESTON, SC 29401-2258



**JULIE J. ARMSTRONG**  
CLERK OF COURT  
CHARLESTON COUNTY

This notice was processed on December 15, 2021.

Benjamin Andrew Mack  
101 Meeting Street, 5Th Floor  
Charleston SC 29401

Re: NOTICE OF PLEA

THE STATE OF SOUTH CAROLINA VS ALAN GREGORY NIX

2021A1010200475-Resisting / Resisting Arrest; Oppose or ...  
2021GS1002599-Threat / Threatening life, person or fam...

The above captioned matter is scheduled for a Plea on January 7, 2022 at 9:30 AM at the:

Charleston County Judicial Center  
100 Broad Street  
Charleston SC 29401

You are required to attend this Plea unless an order of continuance has been issued by the Chief Judge for Administrative Purposes for the Court of General Sessions or the Presiding Judge.

Defense Attorneys are required to notify their client of the above plea date and time and if their presence is required.

You can track the progression of your case at: [www.courtplus.org](http://www.courtplus.org)

If you have any questions about this hearing, please contact:

James Milone  
GS Docket Manager  
(843) 958-5029

N

1401 Denmark Circle  
Mount Pleasant, SC 29466

COLUMBIA 29201  
WED 20 APR 2022



**RECEIVED**

APR 25 2022

SC Court of Appeals

JENNY ABBOTT-KITCHINGS  
CLERK OF COURT  
1220 SENATE ST.  
COLUMBIA, SC 29201