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Oct 18 2022
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MATHIA LAMONT CHAMBERS,

APPELLANT

APPELLATE CASE NO. 2022-000689

**PETITION FOR ORDER
TO UNSEAL PRE-TRIAL EX-PARTE HEARING
TO RELIEVE TRIAL COUNSEL**

Pursuant to Rule 240, SCACR, appellate counsel for the above named appellant would petition for an Order from this Court to unseal a sealed pre-trial ex-parte hearing to relieve counsel so that the matter can be transcribed by the court reporter for the purpose of perfecting the direct appeal in the case. In support of this petition, counsel would submit the following information.

1. Appellant Mathia Lamont Chambers was convicted of voluntary manslaughter per guilty plea hearing held during the March, 2022 term of the Lexington County General Sessions Court before Judge Walton J. McLeod, IV. Appellant was sentenced on April 8, 2022, at the Lexington County General Sessions Court by Judge McLeod to imprisonment for a period of thirty

years. A timely Notice of Appeal was filed in the case. Presently, the appeal is pending with this Court.

2. However, on September 16, 2022, a request was submitted to hold the appeal in abeyance because the trial record had not been fully transcribed in the case. More specifically, appellate counsel's review of the case file revealed that the guilty plea transcript was incomplete upon the discovery of the existence of a sealed pre-trial ex parte hearing that was held on appellant's request to relieve trial counsel as his attorney.

3. Prior to the trial judge's acceptance of appellant's guilty plea, appellant moved to relieve trial counsel in the case. The colloquy in the matter follows:

Solicitor: Mr. Chambers' case is now scheduled for trial May 23. There have been numerous hearings, status conferences as well as a recent bond hearing several months ago in which the trial date was agreed upon. So with all of that said, You Honor, I don't object to anything being placed on the record regarding this motion by [Chambers] to replace counsel.

Defense Counsel: Of course, the deputy would stay. And I think that is about it judge. And then of course, I request that the record be sealed. This could contain information---I don't know what my client is going to say.

The Court: That's just something you're noting for the record so the court reporter knows at this point not to produce it right?

Defense Counsel: Correct.

The Court: If y'all wouldn't mind stepping out and don't go too far (sealed ex parte hearing was held with the Court and the Defendant and Defendant's counsel.) Tr. 5, lines 5-11; Tr. 7, lines 2- 18.

4. After the pre-trial sealed ex parte hearing concluded, defense counsel continued on in his representation of appellant at the plea and sentencing proceedings. Nonetheless, in order to fully perfect and evaluate appellant's case on direct appeal per Rules 208 and 209, SCACR, a

transcript of the sealed ex parte hearing is needed to discern whether any legal issue(s) of merit emanating from that hearing should be addressed in appellant's briefs filed on appeal.


5. A letter to the court reporter requesting a transcript of the sealed ex parte hearing was submitted on September 16, 2022. The response from the court reporter was that "the judge would have to unseal the record for me to be able to produce that part of the transcript."

6. Therefore, an Order is needed from this Court directing the sealed ex parte hearing to be unsealed, which would in turn allow the court reporter to comply with the request for a transcript of that hearing in this case.

7. Counsel for the Attorney General does not oppose this petition.

8. WHEREFORE, appellate counsel would request an Order from this Court to unseal the sealed ex parte hearing as this would permit the court reporter to transcribe the same for the purpose of perfecting the direct appeal in the case.

Respectfully submitted,



Wanda H. Carter
Deputy Chief Appellate Defender

October 18, 2022

RECEIVED

Oct 18 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Barnwell County

Walton J. McLeod, IV, Circuit Court Judge

STATE OF SOUTH CAROLINA

RESPONDENT,

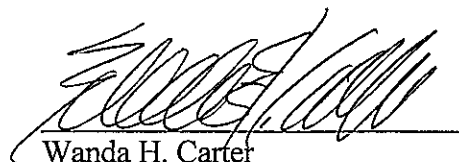
V.

MATHIA LAMONT CHAMBERS,

APPELLANT

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Petition for Order to unseal pre-trial Ex-Parte hearing in the above-referenced case has been served upon William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 18th day of October, 2022.



Wanda H. Carter
Deputy Chief Appellate Defender

ATTORNEY FOR APPELLANT

From: [Leverett, Scott](#)
To: [SC - BLITCH WILLIAM](#)
Cc: [SC - COLLINS CAROLINE](#); [Carter, Wanda](#)
Subject: Mathia Chambers - Petition to Unseal Pre-Trial Hearing - Appellate Case No. 2022-000689
Date: Tuesday, October 18, 2022 4:04:00 PM
Attachments: [Mathia Chambers - Petition to Unseal Pre-Trial Hearing - Appellate Case No. 2022-000689.pdf](#)

Dear Mr. Blitch,

Attached please find a copy of the Petition to Unseal the Pre-Trial Hearing in the above referenced case that is being filed today, October 18, 2022, with the Court of Appeals.

-Scott Leverett
Admin. Asst. for Wanda Carter
Appellate Defense