

RECEIVED

Oct 21 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MARTEL DEKARLOS GADDIS,

APPELLANT.

APPELLATE CASE NO. 2022-000553

**MOTION TO UNSEAL THE RECORD OF
A MOTION TO RELIEVE COUNSEL HEARING AND
TO HOLD THE CASE IN ABEYANCE**

Counsel for Martel Dekarlos Gaddis moves this Court for an Order to unseal the record of a motion to relieve counsel hearing for the following reasons:

1. The court reporter will not transcribe the sealed motion to relieve defense counsel absent a court order to do so.
2. Appellant was originally indicted for two counts of attempted murder and possession of a weapon during the commission of a violent crime by the Lexington County grand jury in 2017. The state subsequently obtained indictments for the same alleged offenses against appellant for assault and battery in the first degree and possession of a weapon during the commission of a violent crime.

3. Appellant's case was called to trial on April 18, 2022, before the Honorable Walton J. McLeod, IV, and a jury. Kelly Oppenheimer and Kyle Smith were the assistant solicitors. Elizabeth C. Fullwood represented appellant. The jury found appellant guilty on two counts of assault and battery in the first degree. Judge McLeod sentenced appellant to four years imprisonment. Trial counsel filed a timely notice of intent to appeal.

4. While counsel was reviewing this newly assigned case file he noticed a discussion in the transcript over a motion to relieve Defense Counsel Elizabeth Fullwood. The judge then held an *ex parte* hearing which was sealed in the court below.

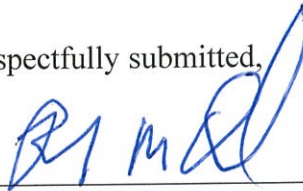
5. The Court Reporter, Stacy S. Johnson, did not transcribe the *ex parte* motion to relieve counsel which is a potential legal issue on appeal before this Court.

6. Undersigned counsel has spoken with trial counsel Elizabeth Fullwood who has confirmed that an *ex parte* hearing on appellant's motion to relieve her as counsel did indeed occur before trial, and that motion hearing was sealed.

7. The court reporter has informed our office that she will not transcribe this hearing on the motion to relieve counsel absent a court order. Undersigned counsel cannot properly handle this case on appeal until he has read and evaluated the legal merits of the denial of appellant's motion to relieve his trial counsel.

WHEREFORE, undersigned counsel would respectfully request this Court issue an order unsealing the motion to relieve counsel hearing that was held *ex parte* before appellant's trial commenced on April 18, 2022 so that the court reporter will transcribe it. Counsel also requests that the time limits for filing the initial brief and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

This 21st day of October, 2022.

RECEIVED

Oct 21 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

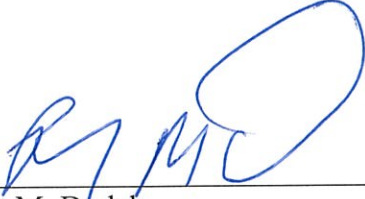
MARTEL DEKARLOS GADDIS,

APPELLANT.

APPELLATE CASE NO. 2022-000553

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the motion to unseal the record of a motion to relieve counsel hearing and to hold case in abeyance 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 21th day of October, 2022.


Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

From: [Matthews, Lindsey](#)
To: ["Wblitch@scag.gov"](mailto:Wblitch@scag.gov)
Cc: [Caroline Collins](#); [Dudek, Robert](#)
Subject: 2022-000553 The State v. Martel Dekarlos Gaddis
Date: Friday, October 21, 2022 3:57:00 PM
Attachments: [2022-000553 The State v. Martel Dekarlos Gaddis - Motion to Unseal the Record and to Hold Case in Abeyance.pdf](#)

Attached is a copy of a motion to unseal the record of a motion to relieve counsel hearing and to hold case in abeyance which will be filed with the Court of Appeals today in the above-referenced case.

Thank you.

Sincerely,
Lindsey M. Matthews
Administrative Assistant
SC Commission on Indigent Defense
Appellate Division
1330 Lady Street, Suite 401
P.O. Box 11589
Columbia, SC 29201
Phone: (803) 734-1330