

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

May 16 2023

SC Court of Appeals

Appeal from Dorchester County

Diane S. Goodstein, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ANTHONY NICHOLAS ARGOE,

APPELLANT

APPELLATE CASE NO. 2023-000223

**PETITION FOR ORDER
TO UNSEAL PRE-TRIAL HEARING
OF THE MOTION TO RECONSIDER THE DENIAL OF THE MOTION
TO RELIEVE COUNSEL AND PROCEED PRO SE**

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 hearing transcript of a motion to reconsider the Court's previous ruling denying appellant's request to relieve counsel and represent himself. The right to self-representation can be a significant legal issue in the direct appeal in this case, and the assigned Appellate Defender must therefore have access to this sealed transcript of the motion to reconsider. See State v. Barnes, 407 S.C. 27, 753 S.E.2d 545 (2014).

In support of this petition, counsel would submit the following:

1. Appellant Anthony Nicholas Argoe was convicted of murder in Dorchester County on February 9, 2023 and sentenced to life imprisonment by the Honorable Diane S. Goodstein. A timely notice of intent to appeal was timely served and filed in this case, and the appeal is pending with this Court.

2. Earlier, on July 25, 2022 the Honorable Diane Goodstein denied appellant's motion to relieve trial counsel after a hearing. Appellate Defense is in receipt of that transcript.

3. On September 16, 2022 appellant had a hearing on a motion to proceed pro se held before the Honorable Maite Murphy. Judge Murphy denied that motion. Appellate Defense is in receipt of that transcript.

4. On January 19, 2023 a hearing was held on appellant's motion to reconsider previous rulings on the motion to relieve counsel and the motion to proceed pro se.

5. On February 3, 2023 a hearing was held on Defense Counsel's motion to withdraw as counsel. Undersigned counsel filed a motion to unseal the transcript of this February 3, 2023 hearing on March 28, 2023. This transcript was unsealed by order of this Court dated April 18, 2023.

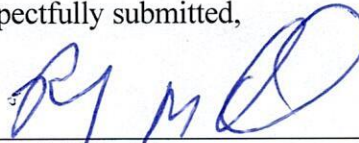
6. On February 28, 2023, a request was submitted to Ms. Melissa Raye Singletary, Circuit Court Reporter, to prepare the transcript of the January 19, 2023 pre-trial hearing on a motion to reconsider the denial of previous motions to relieve counsel and proceed pro se. Our office received an email from Court Reporter Singletary on May 11, 2023, advising that this transcript was sealed, and that Judge Goodstein needed for this office to submit an order to have the sealed transcript released to our office.

7. This office was not aware of the sealed hearing on a motion *to reconsider the denial of the motion to relieve counsel and proceed pro se* at the time undersigned counsel filed the previous motion to unseal the February 3, 2023 transcript of trial counsel's motion to be relieved.

8. An order is necessary from this Court to unseal this January 19, 2023 pre-trial motion to reconsider hearing so that the Appellate Defender assigned to this case can read this pre-trial transcript, and then make an intelligent decision whether the trial judge's ruling on that motion, if deemed erroneous by appellate counsel, should be included as an issue in appellant's direct appeal to this Court.

WHEREFORE, appellate counsel would request an order from this Court unsealing the sealed January 19, 2023 pre-trial motion to reconsider hearing to permit the Appellate Defender assigned to this case for the Office of Appellate Defense to use this transcript for the purpose of perfecting the direct appeal in this case. Counsel respectfully requests that the time limits on this case be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

May 16, 2023

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

May 16 2023

SC Court of Appeals

Appeal from Dorchester County

Diane S. Goodstein, Circuit Court Judge

STATE OF SOUTH CAROLINA

RESPONDENT,

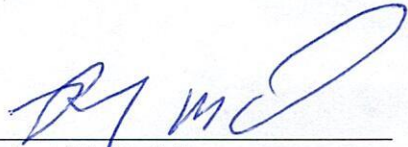
V.

ANTHONY NICHOLAS ARGOE ,

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 hearing in the above-referenced case has been served upon Melody Jane Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 16th day of May, 2023.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT