

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

---

Certiorari to Chesterfiled County

Brooks P. Goldsmith, Circuit Court Judge

---

MICHAEL CHAD LAMBERT,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-000584

---

MOTION TO PUT INTO ABEYANCE

---

Counsel for Michael Lambert respectfully requests this Court to put the above-captioned case in abeyance for **fifteen (15) days until Thursday, January 2, 2014** for undersigned counsel to determine whether there is a transcript missing that needs to be ordered. In support of this motion, counsel submits the following:

1. Counsel was out of the office on the afternoon of December 12, 2013 and the entire day on December 16, 2013 to attend to her sick children. After returning to the office and reviewing the materials in this case, it became apparent to counsel that some documents and a possible transcript relating to a Motion for Change of Venue were missing. The Order of Dismissal reflects that Petitioner's trial attorney moved for a change of venue and submitted affidavits regarding the same but the trial court denied the motion. See Order of Dismissal, attached at

**RECEIVED**  
DEC 18 2013  
S.C. Supreme Court

Exhibit A, pp. 3-4. In his post-conviction relief action, Petitioner alleges that his trial counsel failed to file a direct appeal of this issue or failed to renew this motion after the jury was selected. If there was a hearing held on the Motion for Change of Venue, this transcript will be necessary for Petitioner's post-conviction relief appeal and/or his belated direct appeal.

Counsel has been in contact with the Chesterfield County Clerk of Court, the post-conviction relief attorney, and the staff at the Attorney General's office in an attempt to obtain these documents and to determine if and when a hearing on the Motion for Change of Venue was held. None of these persons knew if a hearing was held. The Chesterfield County Clerk of Court had the Motion for Change of Venue but could not locate the attached exhibits, including the affidavits referenced in the Order of Dismissal.

Counsel has also been trying to contact Petitioner's trial attorney, James C. Cox, Jr. and the court reporter, Hattie O. Gordon, but has not been able to reach either of them at the time of filing this motion. Therefore, counsel needs additional time to obtain documents relating to the Motion for Change of Venue and to determine if a hearing was held for which a transcript needs to be ordered. Counsel therefore requests this Court to hold the case in abeyance for fifteen (15) days for the undersigned counsel to determine whether a hearing was held. If counsel determines there was no hearing held, counsel will file the Petition for Writ of Certiorari by January 2, 2014. If there was a hearing on the Motion for Change of Venue, counsel will order the hearing transcript and request this Court to hold the case in abeyance until the transcript is received.

2. Counsel makes this request in good faith and not for purpose of delay.
3. Counsel for the Attorney General's office consents to this request as shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request this Court to hold the case in abeyance for **fifteen (15) days until Thursday, January 2, 2014**, in which to file the petition for writ of certiorari and appendix based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,

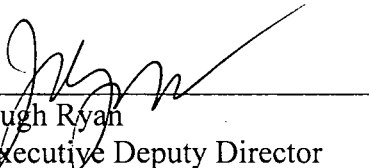


Carmen V. Ganjehsani  
Appellate Defender

Attorney for Petitioner.



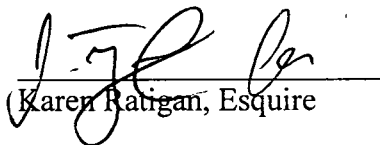
Robert M. Dudek  
Chief Appellate Defender



Hugh Ryan  
Executive Deputy Director

This 18th day of December, 2013

I consent:



Karen Ratigan, Esquire