

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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MAR 13 2014

Appeal from Dorchester County

SC Court of Appeals

Diane Schafer Goodstein, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DON-SURVI CHISOLM,

APPELLANT

Appellate Case No. 2011-200186

**RETURN TO MOTION TO HOLD TIME LIMITS IN ABEYANCE
PENDING RECEIPT OF ADDITIONAL TRANSCRIPTS**

Undersigned counsel, making this return to the motion to hold time limits in abeyance pending receipt of additional transcripts, respectfully shows this Court that:

(1) The Appellate Division ordered all of the transcripts which it was informed existed in this murder case before Judge Goodstein.

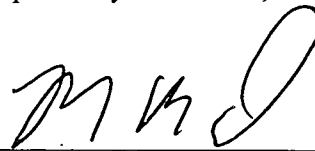
(2) Counsel would assert that what occurred before Judge Dickson in August, 2011 at an apparent mistrial is irrelevant to this appeal and opposes respondent's request that Indigent Defense order and pay for the transcript. Judge Goodstein obviously did not consider anything that may have occurred during this hearing since the transcript of the hearing was not in existence. Further, appellant does not have sufficient information on any

relevance this mistrial transcript has in this case to justify ordering it absent an order of this Court that Indigent Defense and not the Attorney General should bear the cost of ordering it.

(3) As to the pre-trial transcripts dated July 14, 2011 and July 22, 2011, appellant leaves the matter to the discretion of the Court as counsel does not have any knowledge of the content of those hearings. Counsel does note that respondent is asserting, as an officer of the court, that these two transcripts are relevant to the Farretta issue and therefore requests that Indigent Defense order and pay for them.

WHEREFORE, undersigned counsel leaves opposes the respondent's request that appellant order the August, 2011 hearing held before Judge Dickson, and leaves the matter of the other two pre-trial transcripts to the discretion of this Court.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender
ATTORNEY FOR APPELLANT

March 13, 2014

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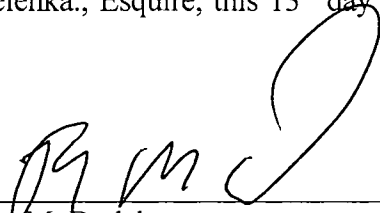
DON-SURVI CHISOLM,

APPELLANT

Appellate Case No. 2011-200186

CERTIFICATE OF SERVICE


The undersigned attorney hereby certifies that a true copy of the Return to Motion to Hold Time Limits in Abeyance Pending Receipt of Additional Transcripts in the above-captioned case has been served upon Donald J. Zelenka., Esquire, this 13th day of March, 2014.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 13th day of March, 2014.



(L.S.)
Notary Public for South Carolina
My Commission Expires: October 24, 2021.