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STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

**S.C. Supreme Court**

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Appeal from Chesterfield County

Brooks P. Goldsmith, Circuit Court Judge

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MICHAEL CHAD LAMBERT,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-000584

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SUPPLEMENTAL APPENDIX

---

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STATE OF SOUTH CAROLINA            )  
   ) COURT OF GENERAL SESSION  
COUNTY OF CHESTERFIELD            ) 2008-GS-13-0787

STATE OF SOUTH CAROLINA            )  
   ) PETITIONER  
   ) vs.                                    )  
   )                                    ) TRANSCRIPT OF RECORD  
   )                                    )  
MICHAEL CHAD LAMBERT            )  
   ) DEFENDANT

October 6, 2019  
 Chesterfield, South Carolina

B E F O R E:

THE HONORABLE PAUL M. BURCH, JUDGE.

A P P E A R A N C E S:

KERNARD E. REDMOND, DEPUTY SOLICITOR  
 Attorney for the State

JAMES C, COX, JR., ESQUIRE  
 Attorney for the Defendant

HATTIE O. GORDON  
 Circuit Court Reporter

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EXHIBITS

NO EXHIBITS WERE MARKED OR ADMITTED INTO THE RECORD

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COLLOQUY

MR. REDMOND: May it please the Court. Before you at this time is Michael Chad Lambert under 2008-GS-13-4787, that being for felony D.U.I. He is represented by Mr. Jim Cox of the Darlington County Bar. The purpose of this hearing today is two fold.

One, Mr. Cox is going to make a motion. I'll let him address that first and then I'll respond as it relates to change of venue. Specifically, the State is going to ask the Court to issue an order asking the Clerk to -- and I don't know how many jurors are normally brought in to Court during the term of Court, but we would ask ---

CLERK OF COURT: 150.

MR. REDMOND: 150. We would ask if that would be -- if we could add 100 to that and bring in 250 in part based on the motion for the change of venue that Mr. Cox is going to be asking for.

Additionally, we talked with Mr. Cox. And I had a chance to talk with the victim's family, Darryl Quick's family, and January 11th term of court here in Chesterfield is a term that I think we're in agreement that we can ask the Court to set this for date certain. So we are prepared, and we can agree on that aspect of it.

And that this time I'll yield to Mr. Cox to present his motion, and I'll respond at the appropriate time.

1 THE COURT: Mr. Cox.

2 MR. COX: And you just said January the 11th?

3 MR. REDMOND: The 11th.

4 MR. COX: January 11th. Your Honor, we filed a  
5 motion, change of venue, on the grounds that we don't  
6 think Mr. Lambert can get an impartial, fair jury in  
7 Chesterfield County. Based that first off on the  
8 outstanding reputation that the deceased had. Outstanding  
9 deputy, outstanding member of the community and the  
10 church. Well thought of.

11 We take that a step further and say, well, we base on  
12 the time. But in this special instance his personalty,  
13 his reputation from law enforcement, fire department and  
14 all, that since the untimely demise there has been a  
15 steady, steady public notice of his death. Things done to  
16 raise money for the family, and I have provided in the  
17 motion a chronological listing of those newspaper  
18 articles, television programs.

19 Every time there is anything coming up, and even when  
20 another fine officer lost his life in a one vehicle  
21 accident, that article is included with a long article  
22 about that. And we think the cause of that, at the  
23 abundance of precaution, that the Court should consider  
24 our motion for change of venue and transfer it to a case  
25 outside of Chesterfield County.

1           THE COURT: What says the State in regards to the  
2 change of venue motion?

3           MR. REDMOND: Your Honor, the State recites State v.  
4 Manning first of all for the premise that because a jury  
5 has not yet been brought in and at least attempted to be  
6 empaneled this issue is not yet ripe. In other words,  
7 Judge, and that's part of the reason why we're asking for  
8 an additional 100 jurors out of an abundance of  
9 precaution.

10           And also the fact that the jury will be adequately  
11 voir dired by the Court and the attorneys if necessary  
12 regarding their knowledge of the case and whether or not  
13 they can be impartial. Those steps have not yet occurred.  
14 obviously it's in the interest of the family and law  
15 enforcement to have this case tried in Chesterfield  
16 County.

17           And as the Court is aware, having been in high  
18 profile cases yourself, Your Honor, and the same with each  
19 of the attorneys standing here the level of publicity is  
20 not the dispositive issue as it relates to change of venue  
21 motion. It's a question of whether or not the jury can be  
22 fair and impartial.

23           That being the case, Your Honor, and Your Honor, we  
24 were involved in a pretty high profile case in January in  
25 Dillon. We were able to get a jury despite all of the

1 pretrial publicity. So that in and of itself is not the  
 2 only grounds, and I would ask the Court to I guess address  
 3 this issue at the appropriate time. And that would be at  
 4 that time that we attempt to pull the jury in January.

5 THE COURT: All right. In that the State ---

6 MR. COX: Make one more other point. Your Honor,  
 7 because of Darryl's reputation and the manner that he  
 8 conducted himself in and he's a fine professional officer  
 9 and the fact that everybody in this courtroom worked with  
 10 him, if the Court did elect -- did decide that a motion  
 11 for change of venue was not proper then the Court has to  
 12 go to the added trouble and expense of getting personnel  
 13 in here who will deal with the jury that is no way related  
 14 to Chesterfield County or the family or the churches in  
 15 this community.

16 So, Judge, that would seem to be enough with the two  
 17 to have to move it out the county. Thank you, Your Honor.

18 THE COURT: Okay. Well we've got several options in  
 19 regards to that. All right. State v. Manning, I was the  
 20 victim on that in that when that case came up in Dillon I  
 21 followed the North Carolina rule. A southern state next  
 22 door to us. I adopt their rule and allowed the State  
 23 their motion or granted the State their motion and I got  
 24 reversed and South Carolina adopted the Pennsylvania rule.

25 And under that rule is we all know now what we've got

1 to do. We've got to attempt to seat a jury here.

2 MR. COX: Yes, sir. And I'm well familiar with that,  
3 but I was hoping that Your Honor's wisdom going above that  
4 to reach the plateau where it normally hangs out would  
5 agree with me.

6 THE COURT: So what we'll do if it suits y'all let's  
7 plan it for January and let's see if we can get a jury.  
8 If we can't then we'll have to change the venue. If we  
9 can we'll go forward and I'll go ahead and arrange to have  
10 an independent source of protection and security for the  
11 jury.

12 MR. COX: Thank you, Your Honor.

13 MR. REDMOND: And, Judge, as it relates to the 100  
14 extra jurors would the Court consider issuing an order so  
15 we can bring in extra jurors out of an abundance of  
16 precaution?

17 THE COURT: Sounds reasonable to me.

18 MR. REDMOND: I can prepare an order. Thank you,  
19 Judge.

20 END OF TRANSCRIPT OF RECORD

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STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHESTERFIELD )

IN THE COURT OF GENERAL SESSIONS  
FOURTH JUDICIAL CIRCUIT  
Indictment #: 08-GS-13-0787

State of South Carolina, )  
 )  
Versus )  
 )  
Michael Chad Lambert, )  
 )  
 )  
Defendant. )

MOTION FOR CHANGE OF VENUE

2008 OCT 6 PM 1 28  
FAYE L. SELLERS  
CLERK OF COURT  
CHESTERFIELD COUNTY, S.O.

To: William B. Rogers, Jr., Solicitor, Fourth Judicial Circuit:

YOU WILL PLEASE TAKE NOTICE that the undersigned, as attorney for the Defendant, will move as soon as a hearing can be scheduled on this matter, pursuant to South Carolina Code Ann. Section 15-7-100(2) for an Order transferring venue of the above-referenced case from Chesterfield County.

This Motion is made pursuant to South Carolina Code Section 15-7-100(2) on the grounds that as a result of the heavy county-wide pre-trial publicity from the date of the accident which resulted in the untimely demise of Deputy Darryl Quick and continuing to the time of trial, so that the potential jury pool and the prospective jurors in this case are so inflamed and contaminated that the Defendant cannot get a fair and impartial trial in Chesterfield County.

Further, this Motion is based on the fact that Deputy Darryl Quick was a well-known member of the entire Chesterfield Community, a long-time law enforcement officer, and held in such high esteem by the entire community, such that the former Solicitor's comments aggravated the situation when he said, "This case, the loss of this officer; drives home the point that we cannot have any tolerance of people who get on the highway and drive under the influence, especially twice the legal limit. I don't know what it will take for people to learn that officers, law enforcement, and prosecutors just

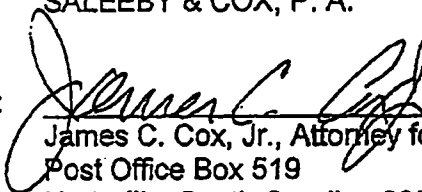
will not put up with this anymore." (See Exhibit A, chronological listing of pre-trial publicity and Exhibit B, copies of the pre-trial publicity.)

The exposure to the pre-trial publicity was and is prejudicial to the Defendant's right to a trial by a fair, competent and impartial jury. Further, the pre-trial influences will prevent the prospective jurors from exercising that degree of independence of our common law system and the oath of office demand.

This Motion is based upon the applicable statutes, case law, and such other memorandum and affidavits that will be submitted prior to a final determination of this Motion.

SALEEBY & COX, P. A.

BY:



James C. Cox, Jr., Attorney for Defendant  
Post Office Box 519  
Hartsville, South Carolina 29551  
843-332-1531

October 6, 2009.