

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Charleston County

Honorable Kristi Lea Harrington, Circuit Court Judge  
\_\_\_\_\_

**RECEIVED**

MAR 19 2014

**SC Court of Appeals**

STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

SHAWN J. BURRIS,

APPELLANT.

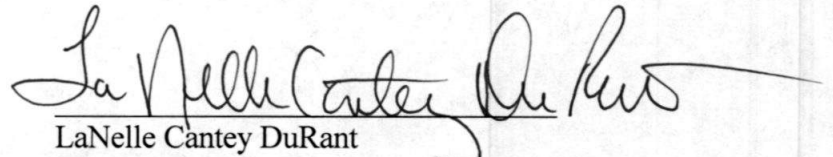
\_\_\_\_\_  
MOTION TO HOLD APPEAL IN ABEYANCE  
\_\_\_\_\_

The undersigned respectfully shows the Court:

1. The Notice of Appeal for Pro Se Appellant Shawn Burris was received by the Division of Appellate Defense on May 3, 2013.
2. The trial transcript was promptly ordered and was received August 21, 2013. Two additional pretrial hearings were discovered after a reading of the trial transcript and were then ordered. These additional pretrial transcripts were received November 18, 2013.
3. The initial client letter with a copy of all the transcripts was sent to Appellant Burris on November 26, 2013.

4. On March 13, 2014, appellate counsel filed the Initial Merits Brief.
5. On March 14, 2014, appellate counsel received a letter from Appellant Burris informing counsel for the first time of two additional hearings held in March 2013 prior to his April 25, 2013 trial. This was the first notice counsel had of the two hearings. The prior hearing on March 7, 2013 concerned Appellant Burris's motion to relieve his appointed trial counsel, Luke Malloy, which was granted as Appellant Burris represented himself *pro se* at trial. Malloy served as stand-by counsel during the trial. The second hearing on March 14, 2013, was on his motion for a continuance which was also granted.
5. To insure that Appellant Burris' rights were protected as far as representing himself at trial and the proper proceedings were followed as outlined by the South Carolina Supreme Court in Wroten v. State, 301 S.C. 293, 391 S.E.2d 575 (1990), counsel is requesting that this case be held in abeyance to allow time to receive the transcripts of the two March 2013 hearings. These two transcripts have been requested as indicated by the attached copies of the letters to the appropriate court reporters.
6. As indicated below, opposing counsel has no objection to this abeyance request.
7. Wherefore, counsel respectfully requests this court to hold this appeal in abeyance.


Respectfully submitted,

  
LaNelle Cantey DuRant  
Appellate Defender

Attorney for Petitioner

This 19th day of March, 2014

I consent.

  
Deborah Shupe, Esquire

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Charleston County

Honorable Kristi Lea Harrington, Circuit Court Judge  
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STATE OF SOUTH CAROLINA,

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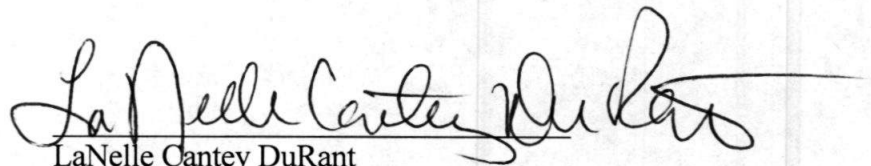
V.

SHAWN J. BURRIS,

APPELLANT.  
\_\_\_\_\_

CERTIFICATE OF SERVICE  
\_\_\_\_\_

The undersigned attorney hereby certifies that a true copy of the Motion To Hold Appeal in Abeyance in the above referenced case has been served upon opposing counsel, Deborah Shupe, Esquire and Shawn J. Burris, #191562 at Turbeville Correctional Institution this 19th day of March, 2014.



LaNelle Cantey DuRant  
Appellate Defender

Attorney for Petitioner

SUBSCRIBED AND SWORN TO before me  
this 19th day of March, 2014.



(L.S.)

Notary Public for South Carolina

My Commission Expires: October 30, 2022



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332  
Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

March 18, 2014

Ms. Susan Mia Perron  
Circuit Court Reporter  
P O Box 31865  
Charleston, SC 29417-1865

Dear Ms. Perron:

Please provide us with the following transcript:

The State v. Shawn J. Burris, Appellate Case No. Case #: 12-GS-10-04289-04290  
2013-001035

County: Charleston

Date of Trial: March 7 or 8, 2013 (Mtn to Relieve Counsel  
Hrg)

Presiding Judge: J. C. Buddy Nicholson, Jr.

To ensure prompt payment, please sign and complete the enclosed CID FORM 3500 and include the original criminal case number (Indictment number) where the space is provided.

Please number the lines on the paper from 1-25, and include any and all recorded motions, pre and post-trial. Additionally, please transcribe the **jury selection**, and the State and defense counsel's **opening and closing arguments**, and include the **jury strike sheet**. **Please be sure to include Headers and a listing of exhibits.**

If you are aware of any co-defendants or if the Attorney General's Office has already requested a transcript, please let us know.

Sincerely,

Kimberly McCall  
Administrative Coordinator

cc: S.C. Court of Appeals  
Attorney General's Office



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Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

March 18, 2014

Ms. Amanda K. Haffenden  
Circuit Court Reporter  
P O Box 424  
Summerville, SC 29484

Dear Ms. Haffenden:

Please provide us with the following transcript:

The State v. Shawn J. Burris, Appellate Case No. Case #: 12-GS-10-04289-04290  
2013-001035

County: Charleston Date of Trial: March 14, 2013 (Mtn for Continuance Hrg)

Presiding Judge: J. C. Buddy Nicholson, Jr.

To ensure prompt payment, please sign and complete the enclosed CID FORM 3500 and include the original criminal case number (Indictment number) where the space is provided.

Please number the lines on the paper from 1-25, and include any and all recorded motions, pre and post-trial. Additionally, please transcribe the **jury selection**, and the State and defense counsel's **opening and closing arguments**, and include the **jury strike sheet**. **Please be sure to include Headers and a listing of exhibits.**

If you are aware of any co-defendants or if the Attorney General's Office has already requested a transcript, please let us know.

Sincerely,

Kimberly McCall  
Administrative Coordinator

cc: S.C. Court of Appeals  
Attorney General's Office



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Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

March 18, 2014

Ms. Rolayne Volpe  
Circuit Court Reporter  
P O Box 342  
Summerville, SC 29484

Dear Ms. Volpe:

Please provide us with the following transcript:

The State v. Shawn J. Burris, Appellate Case No. Case #: 12-GS-10-04289-04290  
2013-001035

County: Charleston Date of Trial: March 14, 2013 (Mtn for Continuance Hrg)


Presiding Judge: J. C. Buddy Nicholson, Jr.

To ensure prompt payment, please sign and complete the enclosed CID FORM 3500 and include the original criminal case number (Indictment number) where the space is provided.

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Sincerely,

  
Kimberly McCall  
Administrative Coordinator

cc: S.C. Court of Appeals  
Attorney General's Office



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Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

March 19, 2014

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SC Court of Appeals

The Honorable Jenny Kitchings  
Clerk, S.C. Court of Appeals  
PO Box 11629  
Columbia, SC 29211

Re: The State v. Shawn J. Burris

Dear Ms. Kitchings:

Enclosed are an original and six copies of the Motion To Hold Appeal in Abeyance in the above-captioned case. Thank you for your assistance in this matter.

Sincerely,

LaNelle Cantey DuRant  
Appellate Defender

LCD/lcd

Enclosure

cc: Deborah Shupe, Esquire  
Mr. Shawn J. Burris