

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

EMERGENCY MOTION FOR
A STAY OF LOWER COURT PROCEEDING

Warrant Number: 2014A0810200160

State of South Carolina, Respondent

v.

Brian Marryo Singleton, Petitioner.

RECEIVED

JUL 22 2015

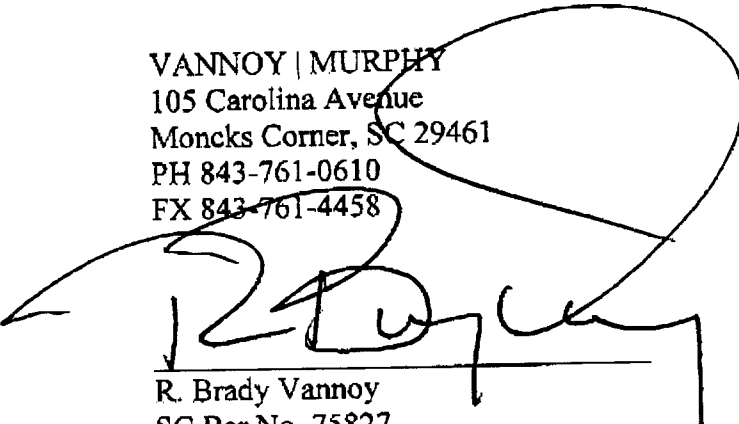
SC Court of Appeals

MOTION TO SUPPRESS
S.C. Code Ann. Sec. 17-30-110

VANNOY | MURPHY
105 Carolina Avenue
Moncks Corner, SC 29461
PH 843-761-0610
FX 843-761-4458

Moncks Corner, South Carolina

7/22 2015


R. Brady Vannoy
SC Bar No. 75827
brady@vannoymurphy.com
ATTORNEY FOR THE DEFENDANT

ARGUMENT

COMES NOW, the Defendant, by and through his undersigned Attorney, who hereby moves, on an emergency basis, this Honorable Court for an Order staying the lower court trial in the case of State of South Carolina v. Brian Marryo Singleton, based on the following particulars, to wit:

1. That Defendant was arrested and charged with Leaving the Scene with Death (S.C. Code Ann. Sec. 56-5-1210 on May 13, 2014.
2. That the Solicitor has set this matter to be tried on July 27, 2015 in the Berkeley County Court of General Sessions in front of the Honorable W. Jeffrey Young.
3. That on July 14, 2015, Counsel for Defendant filed a Motion to Suppress with this Honorable Court pursuant to S.C. Code Ann. Sec. 17-30-110. Counsel is informed and believes that this Court has exclusive jurisdiction to resolve such legal issues pursuant to S.C. Code Ann. Sec. 17-30-110. ("The motion must be made before the reviewing authority and must be decided on an expedited basis." Sec. 17-30-110(A); "'Reviewing authority' means a panel of three judges of the South Carolina Court of Appeals designated by the Chief Judge of the South Carolina Court of Appeals." Sec. 17-30-15(9)).
4. That undersigned Counsel served copies of this Motion on the Solicitor (by personal delivery to the secretary), Chief Administrative Judge Kristi Harrington (by depositing in her mailbox located in the clerk's office), and the designated trial Judge W. Jeffrey Young (via mail) on July 14, 2015. Further, Counsel was informed on Thursday July 16, 2015 during a phone conversation with the Assistant Solicitor that he had received the Motion to Suppress and was working on a response.

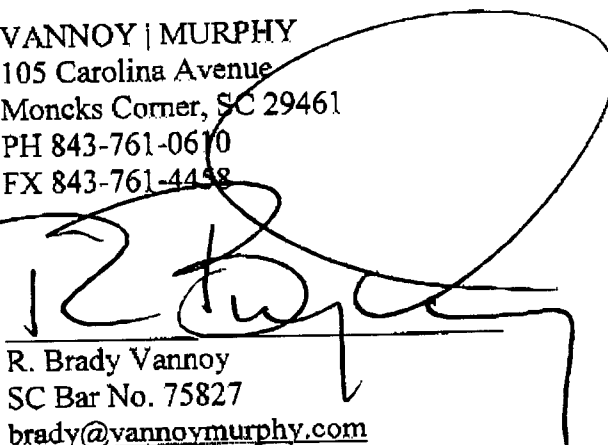
- 5. That on July 20, 2015, Counsel was informed by the Solicitor in charge of prosecuting this matter that he would proceed with trial on July 27, 2015.
- 6. That Counsel is informed and believes that the lower court matter is automatically stayed by law pending the outcome of the suppression issue in the Court of Appeals pursuant to 17-30-110(A). ("All proceedings requiring the use of the contents of any intercepted communication that are the subject of the motion to suppress pursuant to this section are automatically stayed pending the determination of the motion to suppress.")
- 7. That Counsel is informed and believes that to call this matter for trial prior to this Court's determination of the Motion to Suppress would be directly contradictory to Section 17-30-110(A)'s mandate and would result in the violation of Defendant's constitutional and statutory rights.

WHEREFORE, Counsel moves, on an emergency basis, this Court for an ORDER staying the trial of State of South Carolina v. Brian Marryo Singleton pending this Court's determination of the Motion to Suppress (Violation of S.C. Code Ann. Sec. 17-30-110) filed on July 14, 2015.

I SO MOVE!

Moncks Corner, South Carolina
7/22 2015

VANNOY | MURPHY
 105 Carolina Avenue
 Moncks Corner, SC 29461
 PH 843-761-0670
 FX 843-761-4458


 R. Brady Vannoy
 SC Bar No. 75827
brady@vannoymurphy.com
 ATTORNEY FOR THE DEFENDANT



R. Brady Vannoy, Esquire
Michael H. Murphy, III, Esquire
Grover C. Seaton, III, Of Counsel

105 Carolina Avenue
Moncks Corner, SC 29461

F: 843.761.0610
F: 843.761.4458
www.vannoyandmurphy.com

Email of sender: brady@vannoyandmurphy.com

July 22, 2015

RECEIVED

JUL 22 2015

SC Court of Appeals

Via Facsimile (803) 734-1839 & Mail

Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Emergency Motion to Stay (S.C. Code Ann. § 17-30-110(A))
Case: State v. Brian Marryo Singleton
Warrant Number: 2014A0810200160

Dear Clerk:

I am faxing this correspondence and motion, and immediately mailing the same, pursuant to SCACR 262(a)(2). You will please find enclosed an Emergency Motion to Stay I am filing pursuant to § 17-30-110(A). I am enclosing an original and six (6) copies in the mail.

On July 20, 2015, I received notice from the State that they intend to proceed with trial in this case on July 27, 2015 despite the motion that is currently pending before this Court that they were served with on July 14, 2015. As such, I am requesting emergency relief.

Thank you for your kind attention to this matter. Please contact me with questions.

Very Respectfully,

R. Brady Vannoy, Esquire

RBV / rbv

Enclosures: as stated

CC: The Honorable Jeffrey Young (with enclosures) (via facsimile (803) 774-6159);
The Honorable Kristi Harrington (with enclosures) (via facsimile (843) 719-4724); Mr.
Mason West, Berkeley County Solicitor's Office (with enclosures) (via facsimile (843)
719-4588)



ATTORNEYS AT LAW

RECEIVED

105 CAROLINA AVENUE
 MONCKS CORNER, SOUTH CAROLINA 29461
 P: 843.761.0610
 F: 843.761.4458
 www.vannoylawoffice.com

JUL 22 2015

SC Court of Appeals

R. BRADY VANNOY
 brady@vannoymurphy.com

MICHAEL H. MURPHY, III
 michael@vannoymurphy.com

FAX

TO: Clerk

FAX NO.: (803) 734 1839

PHONE NO.: _____

FROM: _____

DATE: July 22, 2015 @ 0955

RE: Emergency Motion to Stay

COMMENTS: State v. Brian Harry Singleton

TOTAL NUMBER OF PAGES TRANSMITTED (including cover sheet): _____

Please call (843) 761-0610 if total number of pages stated above are not received, or if you have any other questions or problems.

Thank you.

This facsimile message may contain privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient or the employer or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the address via the U.S. Postal Service. Thank you.