

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM GEORGETOWN COUNTY
Court of General Sessions

Edward B. Cottingham, Circuit Court Judge

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S.C. Supreme Court

Appellate Case No. 2012-213368
Opinion No. 2015-UP-455
(S.C. Ct. App. filed September 9, 2015)

THE STATE,

RESPONDENT,

v.

MICHAEL LEE CARDWELL,

PETITIONER.

**MOTION TO STAY CONSIDERATION OF
PETITION FOR WRIT OF CERTIORARI**

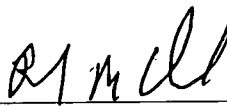
Counsel for Michael Lee Cardwell respectfully moves this Court to stay consideration of the Petition for Writ of Certiorari, filed contemporaneously herewith, pursuant to Rule 240 of the South Carolina Appellate Court Rules based on the following circumstances:

1. Michael Cardwell and his wife Sarah Cardwell were tried together on October 29, 2012, for the same charges. Both were found guilty of the same charges and both received the same sentences (App. pp. 200-216). Although their appeals were filed separately, the South Carolina Court of Appeals combined oral arguments for both cases on September 9, 2014.

2. On September 2, 2015, The South Carolina Court of Appeals filed a published decision in State v. Sarah Denise Cardwell (Appellate Case No. 2012-213334, Opinion No. 5351). On September 9, 2015, the South Carolina Court of Appeals filed an unpublished decision in State v. Michael Lee Cardwell (Appellate Case No. 2012-213368, Case No. 2015-UP-455).
3. The two cases involved the same legal issues and the Court of Appeals affirmed both Sarah Cardwell and Michael Cardwell's convictions on similar grounds.
4. The South Carolina Court of Appeals denied Michael Cardwell's petition for rehearing on October 23, 2015. As of the date of filing this motion, a decision has not been rendered by the Court of Appeals on Sarah Cardwell's petition for rehearing.
5. Counsel for Sarah Cardwell and counsel for Michael Cardwell have communicated and counsel for Sarah Cardwell has expressed an intent to file a petition for writ of certiorari to this Court should the Court of Appeals deny Sarah Cardwell's petition for rehearing.
6. As both cases involve identical legal issues, we respectfully request his Court to stay consideration of this petition for writ of certiorari until a petition for writ of certiorari is filed in State v. Sarah Denise Cardwell, Appellate Case No., 2012-213334, so that this Court can consider both petitions for writ of certiorari at the same time.

WHEREFORE, the undersigned counsel respectfully asks this Court to stay consideration of the Petition for Writ of Certiorari filed contemporaneously herewith, until a petition for writ of certiorari is filed in State v. Sarah Denise Cardwell (Appellate Case No. 2012-213334).

Respectfully submitted,

By: 

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Attorneys for Petitioner

This 20th day of November, 2015.

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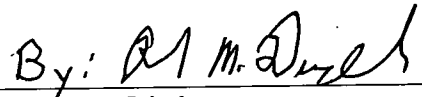
V.

MICHAEL LEE CARDWELL,

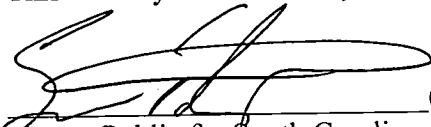
PETITIONER.

CERTIFICATE OF SERVICE

I will certify that true copy of the Motion to Stay Consideration of Petition for Writ of Certiorari in the above-referenced case has been served upon William Blich, Jr., Esquire, Assistant Attorney General at S.C. Attorney General's Office, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 20th day of November, 2015.

By: 
Melissa A. Fried
Attorney for Petitioner

SUBSCRIBED and SWORN TO before me
This 20th day of November, 2015.


(L.S.)
Notary Public for South Carolina
My Commission Expires: October 30, 2022.