

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM GEORGETOWN COUNTY
Court of General Sessions

Edward B. Cottingham, Circuit Court Judge

Appellate Case No. 2015-002394
Opinion No. 2015-UP-455
(S.C. Ct. App. filed September 9, 2015)

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JUL 12 2016

S.C. SUPREME COURT

THE STATE,

RESPONDENT,

V.

MICHAEL LEE CARDWELL,

PETITIONER.

**MOTION TO CONSOLIDATE CASES IF
PETITION FOR WRIT OF CERTIORARI IS GRANTED**

Counsel for Michael Lee Cardwell respectfully moves this Court to consolidate this case, State v. Michael Lee Cardwell, Appellate Case No. 2015-002394, with State v. Sarah Denise Cardwell, Appellate Case No. 2015-002507, pursuant to Rule 240 of the South Carolina Appellate Court Rules based on the following circumstances:

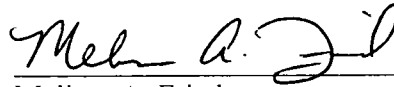
1. Michael Cardwell and his wife Sarah Cardwell were tried together on October 29, 2012, for the same charges. Both were found guilty for two counts of sexual exploitation of a minor first degree and two counts of unlawful conduct towards a minor, and both received the same sentences (App. pp. 200-216). 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Case No. 2012-213334, Opinion No. 5351), while on September 9, 2015, the South Carolina Court of Appeals filed an unpublished decision in State v. Michael Lee Cardwell (Appellate Case No. 2012-213368, Case No. 2015-UP-455).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. On June 16, 2016, this Court granted the petition for writ of certiorari in State v. Sarah Denise Cardwell, Appellate Case No., 2015-002507. The petition for writ of certiorari in State v. Michael Lee Cardwell, Appellate Case No. 2015-002394, remains pending as of July 7, 2016.
5. As both cases involve identical legal issues, and the outcome of State v. Sarah Denise Cardwell, Appellate Case No., 2015-002507 would directly impact Petitioner, Michael Cardwell, we respectfully request this Court to consolidate State v. Michael Lee Cardwell, Appellate Case No. 2015-002394, with State v. Sarah Denise Cardwell, Appellate Case No. 2015-002507, if Michael Lee Cardwell's petition for writ of certiorari is granted.

WHEREFORE, the undersigned counsel respectfully asks this Court to consolidate Petitioner's case with State v. Sarah Denise Cardwell (Appellate Case No. 2015-002507), if Petitioner's writ for petition for certiorari is granted.

Respectfully submitted,



Melissa A. Fried
NEXSEN PRUET, LLC
205 King Street, Suite 400 (29401)
P.O. Box 486
Charleston, SC 29402
PHONE: 843.720.1742
FACSIMILE: 843.414.8229
mfried@nexsenpruet.com

Robert Dudek
Chief Appellate Defender
South Carolina Commission on Indigent Defense,
Appellate Division
1330 Lady Street, Suite 401
P.O. Box 11589
Columbia, SC 29201-1589
PHONE: 803.734.1330
FACSIMILE: 803.734.1397
rdudek@sccid.sc.gov

Attorneys for Petitioner

This the 7th day of July, 2016.

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PETITIONER.

CERTIFICATE OF SERVICE

I will certify that true copy of the Motion to Consolidate Cases if Petition for Writ of Certiorari is Granted 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 7th day of July, 2016.

Michael A. Zil

SUBSCRIBED and SWORN TO before me
This 7th day of July, 2016.

Karen S. Huelser (L.S.)
Notary Public for South Carolina
My Commission Expires: 02-05-23

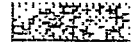


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NEXSEN PRUET

P. O. Box 486
Charleston SC 29492

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The Honorable Daniel E. Shearouse
Clerk of Court
Supreme Court of South Carolina
P.O. Box #130
Columbia, SC 29211

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