

The South Carolina Court of Appeals

The State, Respondent,

v.

Bronson Shelley, Appellant.

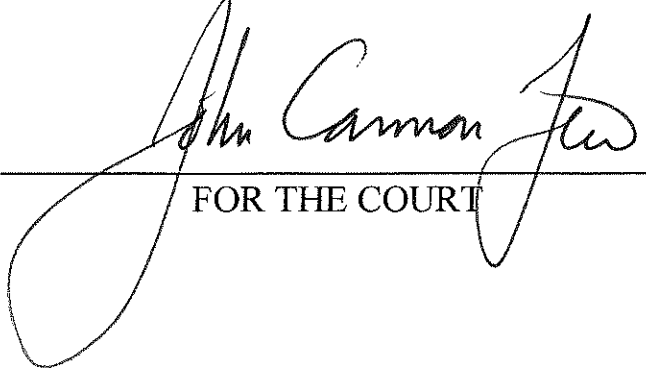
Appellate Case No. 2012-213520

ORDER

This case was tried in November, 2012. Defendant's conviction is now on appeal. The State has filed a petition asking that the Colleton County Clerk of Court be ordered to release exhibits entered in evidence during trial so that the exhibits can be used in the trial of a co-defendant set to be heard tomorrow. The motion is unnecessary. We are aware of no provision of law that in any way restricts the Solicitor's right to use the exhibits for the trial of the co-defendant. Rule 246, SCACR, entitled "Stay in Criminal Cases," provides only that the execution of a defendant's sentence is stayed under certain circumstances. The exhibits are in the custody of the Clerk after trial pursuant to Rule 606(c)(1)(B), SCACR, but the Solicitor and the defendant have subpoena power to use the exhibits in the co-defendant's trial. If any dispute arises, the circuit court has power to resolve the dispute.

Therefore, the State's motion is denied. However, to the extent the motion was filed to clarify the State's right to go forward with the trial of the co-defendant, the Clerk's authority to release the exhibits for use in the trial, or the circuit court's power to resolve any dispute related to the exhibits, we clarify that nothing in the Rules of Appellate Procedure or in any other provision of law stands in the way of the co-defendant being tried while this case is on appeal, and either party having full access to the exhibits used in the trial of this case.

IT IS SO ORDERED!


C.J.
FOR THE COURT

Columbia, South Carolina

cc:
The Honorable Diane Goodstein
Patricia Grant, Colleton County Clerk of Court
Solicitor, Fourteenth Judicial Circuit
J.D. Bryan
David S. Mathews
Robert Michael Dudek
Salley W. Elliott

FILED
12/11/12 jak