

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED  
MAY 28 2013  
SC Court of Appeals

Appeal From Pickens County  
Letitia H. Verdin, Circuit Court Judge

THE STATE,

Respondent,

vs.

MATTHEW RYAN HENDRICKS,

Appellant.

**MOTION TO HOLD APPEAL IN ABEYANCE PENDING  
TRANSPORTATION OF 911 RECORDINGS AND PHOTOGRAPHS**

Respondent, though undersigned counsel, would respectfully show this Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter is due to be served and filed on June 7, 2013. Counsel for Respondent has determined that a copy of 911 recordings and photographs currently on file with the Clerk of Court are central to the subject matter on appeal. In addition to the present motion to hold this appeal in abeyance, the State is also filing a proposed transportation order for the Court to have the 911 recordings and photographs transported from Pickens County to the Court.

II.

The State asks for the appeal to be held in abeyance pending the time required for

the 911 recordings and photographs to be transported from Pickens County to the Court of Appeals. The State asks for the Court to allow thirty days from the date the exhibits are transported to the Court for the State to serve and file its Initial Brief of Respondent and Designation of Matter.

### III.

This request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared. The State submits the 911 recordings and photographs are necessary to a proper determination of the issue on appeal and therefore, a benefit to both parties and the Court for the exhibits to be transported. Therefore, the State would respectfully request the Court grant the order to transport the aforementioned exhibits and hold the appeal in abeyance for thirty days from the date the Court of Appeals receives the exhibits to serve its Initial Brief of Respondent.

WHEREFORE, Respondent prays that the Court grant the accompanying Transportation Order to transport the 911 recordings and photographs currently on file with the Pickens County Clerk of Court; hold the appeal in abeyance pending the transportation of the exhibits; and provide the State thirty days from the date the 911 recordings and photographs are received to serve and file its Initial Brief of Respondent.

Respectfully submitted,

ALAN WILSON  
Attorney General

DAVID SPENCER  
Assistant Deputy Attorney General

BY:   
DAVID SPENCER

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR RESPONDENT

May 29, 2013

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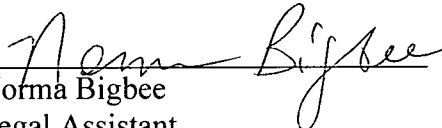
Appellant.

\_\_\_\_\_  
**PROOF OF SERVICE**  
\_\_\_\_\_

I, Norma Bigbee certify that I have served the Motion to Hold Appeal In Abeyance Pending Transportation of 911 Recordings and Photographs on Appellant by depositing two copies of the same in the United States mail, postage prepaid addressed to his attorney of record, Robert M. Dudek, Esquire, South Carolina Commission on Indigent Defense, Division of Appellate Defense, Post Office Box 11589, Columbia, South Carolina 29211.

I further certify that all parties required by Rule to be served have been served.

This 29<sup>th</sup> day of May 2, 2013.

  
\_\_\_\_\_  
Norma Bigbee  
Legal Assistant  
Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727



ALAN WILSON  
ATTORNEY GENERAL

May 29, 2013

**VIA HAND DELIVERY**

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

RE: State v. Matthew Ryan Hendricks

Dear Ms. Kitchings:

Enclosed please the original and (6) copies of the Motion to Hold Appeal In Abeyance Pending Transportation of 911 Recordings and Photographs in the above case.

Sincerely,

David Spencer  
Assistant Deputy Attorney General

DS/nb  
Enclosures

cc: *Robert M. Oudek*, Esquire  
Ms. Trisha Allen

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