

RECEIVED
Feb 06 2023
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
H. Steven DeBerry, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DEMETRUS LAWON MCCLARY,

APPELLANT.

APPELLATE CASE NO. 2022-000688

MOTION TO HOLD APPEAL IN ABEYANCE

Counsel for Demetrus Lawon McClary moves this Court for an Order holding this appeal in abeyance for the following reasons:

1. Beginning May 9, 2022, a five-day trial was held for Appellant and in Horry County before the Honorable H. Steven DeBerry, IV, and a jury. The jury found Appellant guilty of ABHAN, kidnapping, and second-degree burglary. Judge DeBerry sentenced him to a total of thirty-five years' imprisonment. Mary-Ellen Walter and Leigh C. Andrew represented the State. Eric Fox and Caitlyn Caldwell represented Appellant.

2. While reading the trial transcript, Appellate Counsel discovered pre-trial hearings were held two months before the trial before a different judge, Judge Addy. The parties reference the pre-trial hearings in the trial transcript. The pre-trial hearings began February 21, 2022, and lasted for three days, including motions to suppress identification, a statement of the

defendant, and the admissibility of DNA evidence. Through inadvertance, our office failed to order the transcript of these hearings.

3. Counsel for appellant has conferred with trial counsel who informed me that these hearings were on substantive matters necessary for evaluation of the appeal.

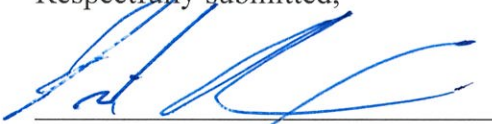
4. Counsel has ordered the transcript of the pre-trial hearings and a copy of the request to the court reporter is attached as Exhibit A.

5. The initial brief of appellant and designation of matter are due on Wednesday, February 8, 2023. Counsel asks this Court to hold this deadline in abeyance pending receipt of the pre-trial transcripts.

6. Counsel for Appellant has conferred with William M. Blich, Jr., Esquire, from the Attorney General's Office and he does not oppose this motion.

WHEREFORE, the undersigned counsel would respectfully request this Court hold the deadlines in this case in abeyance until the transcripts are received.

Respectfully submitted,



David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

This 6th day of February, 2023.

EXHIBIT A



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401

Columbia, South Carolina 29201-3332

Post Office Box 11589

Columbia, South Carolina 29211-1589

Telephone: (803) 734-1330

Facsimile: (803) 734-1345

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

February 06, 2023

Julie Kevish
Court Reporter
P.O. Box 30223
Myrtle Beach, SC 29588

Dear Ms. Kevish:

Please provide us with the following transcript:

The State v. Demetrus Lawon McClary

Case #: 2018-GS-26-04177, -04178,
2-04179, -4180

Appellate Case No. 2022-000688

County: Horry

Date of Trial: February 22-24, 2022

Presiding Judge: Frank R. Addy

Pursuant to the SC Court Reporter's Manual, please number the lines on the paper from 1-25 and include any and all recorded motions (pretrial and post-trial). Consecutive numbering of pages must be used throughout all volumes regardless of the number of volumes involved. Additionally, please transcribe the **jury selection** and the State and defense counsel's **opening and closing arguments** and include the **jury strike sheet**. Please be sure to include **headers** and a **complete index** including a **listing of exhibits**. **Please, do not include keyword indexing.**

If you are aware of any co-defendants, additional transcripts, or if the Attorney General's Office has already requested a transcript, please let us know.

SCCID **prefers** that all transcripts are sent via **certified mail**. If you choose to send transcripts electronically, you must use the SC Department of Technology's file transfer service at <https://scfiledrop.sc.gov>. New users click the register button to sign up for the service. For assistance with registration or passwords, contact the SC Department of Technology Service Center at 803-896-0001, option 2.

To ensure prompt payment, please sign and complete the enclosed form and include the original criminal case number (indictment number) where the space is provided.

Sincerely,

s/Della White
Administrative Coordinator

cc: S. C. Court of Appeals
Attorney General's Office
S. C. Court Administration

**SCCID**

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

**COURT REPORTERS' REQUEST FOR PAYMENT FOR
TRANSCRIPT IN CRIMINAL INDIGENCY CASE**
TO: SC COMMISSION ON INDIGENT DEFENSE
 PO BOX 11589
 COLUMBIA, SC 29211-1589

SIGNATURE OF APPROVING OFFICIAL AT APPELLATE DEFENSE:

FORWARD THIS SIGNED AND COMPLETED FORM ALONG WITH THE REQUESTED TRANSCRIPT TO THE SC COMMISSION ON INDIGENT DEFENSE, APPELLATE DIVISION. THE SC COMMISSION ON INDIGENT DEFENSE, APPELLATE DIVISION WILL APPROVE THIS REQUEST FOR PAYMENT AND FORWARD THE REQUEST TO THE S.C. COMMISSION ON INDIGENT DEFENSE FOR PAYMENT. ALL QUESTIONS REGARDING PAYMENT SHOULD BE MADE TO THE S.C. COMMISSION ON INDIGENT DEFENSE P.O. BOX 11433, COLUMBIA, SC 29211-1433, PHONE: (803) 734-1343, E-Mail: executive@sccid.sc.gov.

CASE NAME:

CRIMINAL CASE (INDICTMENT) NO.(s):

DATE TRANSCRIPT REQUESTED BY APPELLATE DEFENSE:

DATE TRANSCRIPT PROVIDED TO APPELLATE DEFENSE:

PLEASE NOTE THAT THE DEFENSE OF INDIGENTS FUND WILL REIMBURSE THE REQUESTING PARTY FOR EITHER THE ORIGINAL TRANSCRIPT OR ONE COPY, BUT NOT FOR BOTH. PLEASE DO NOT INCLUDE KEYWORD INDEXING.

RULE 607 (H)(1), SCACR, PROVIDES THAT IN ALL CRIMINAL INDIGENCY CASES, INCLUDING POST-CONVICTION AND SEXUAL VIOLENT PREDATOR PROCEEDINGS, THE FEE FOR THE ORIGINAL TRANSCRIPT IS FOUR DOLLARS AND TWENTY-FIVE CENTS (\$4.25) PER PAGE AND THE FEE FOR A COPY OF THE TRANSCRIPT IS ONE DOLLAR (\$1.00) PER PAGE.

PURSUANT TO THE REQUEST OF THE S.C. COMMISSION ON INDIGENT DEFENSE, APPELLATE DIVISION, THE TRANSCRIPT IN THE ABOVE MATTER WAS PROVIDED TO THAT OFFICE. REIMBURSEMENT IN THE FOLLOWING AMOUNT IS HEREBY REQUESTED:

- ORIGINAL TRANSCRIPT OF _____ PAGES: \$ _____
- COPY OF ORIGINAL TRANSCRIPT OF _____ PAGES: \$ _____
- OTHER (Please specify): _____: \$ _____

TOTAL PAYMENT REQUESTED:\$

PRINTED OR TYPED NAME OF COURT REPORTER:

SIGNATURE OF COURT REPORTER:

ADDRESS:

A SC VENDOR IDENTIFICATION NUMBER, WHICH IS ISSUED BY THE SC COMPTROLLER GENERAL'S OFFICE, AND IS NEITHER A FEDERAL EMPLOYER IDENTIFICATION NUMBER NOR AN INDIVIDUAL SOCIAL SECURITY NUMBER, IS REQUIRED FOR PAYMENT PROCESSING. (SCCID DOES NOT REQUIRE A FEI OR SSN)

IF YOU DO NOT HAVE A SC VENDOR ID NUMBER, APPLY HERE:

<https://webprod.cio.sc.gov/SCVendorWeb/mainNewFrame.do>

PHONE NUMBER:

NOTE: ONCE YOU APPLY FOR A SC VENDOR ID, THE SC COMPTROLLER GENERAL'S OFFICE REQUIRES A 72-HOUR WAITING PERIOD TO VERIFY YOUR ID NUMBER. ADDITIONAL LINKS AND INFORMATION MAY BE FOUND AT:

<http://sccid.sc.gov/register.cfm>

EMAIL ADDRESS:

VENDOR ID NUMBER:

SCCID USE ONLY:

SCCID FILE NUMBER:

DOCUMENT NUMBER:

Transcript Request Form

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter [and](mailto:transcripts@sccourts.org) to South Carolina Court Administration at transcripts@sccourts.org. Click [here](#) for instructions on how to find the court reporter's email and mailing addresses. Once the court reporter receives your request, it will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to **any** party. Please send by mail a money order or certified bank check to the court reporter in order to obtain the transcript. Some court reporters may accept personal checks. Please check with the court reporter to see if this option is available. Once your request is received, you will receive a copy of this form with the bottom portion completed. Please promptly submit your payment in order for the transcript to be provided. If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.

Requestor's Information			
Full Name Della White	Phone Number 803-734-1330	Email Address dwhite@sccid.sc.gov	
Mailing Address 1330 Lady Street, Suite 401	City Columbia	State SC	Zip Code 29201
Transcript Information			
Docket Number 2018-GS-26-04177, 2018-GS-26-04178, 2018-GS-26-04179, 2018-GS-26-4180	Case Caption (i.e. State v. John Doe or Smith v. Smith) The State v. Demetrus Lawon McClary		
Date(s) of Proceeding February 22-24, 2022	Circuit X Family	County Horry	
Presiding Judge Frank R. Addy	Expedited Yes No X		
Court Reporter(s) Julie Kevish	Opposing Counsel		

Requestor's Signature: Della White
(Typed name will serve as signature)

Date: 02/06/2023

Note: If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.

For Court Reporter Use Only			
Full Name _____	Date Received _____	Email Address _____	
Notice of Estimate to Requestor Party Date: _____ Number of Pages: _____ Estimated Amount _____			
Mailing Address for Payment _____	City _____	State _____	Zip Code _____

RECEIVED

Feb 06 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
H. Steven DeBerry, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DEMETRUS LAWON MCCLARY,

APPELLANT.

APPELLATE CASE NO. 2022-000688

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion to Hold Appeal in Abeyance in the above-referenced case has been served upon William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 6th day of February, 2023.



David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

From: [Stock, Chris](#)
To: [SC - BLITCH WILLIAM](#); [SC - COLLINS CAROLINE](#)
Cc: [Alexander, David](#)
Subject: McClary, D. - Motion to Hold Appeal in Abeyance - 2022-000688
Date: Monday, February 6, 2023 4:40:00 PM
Attachments: [McClary, D. - Motion to Hold Appeal in Abeyance - 2022-000688.pdf](#)

Mr. Blitch,

Please find attached the Motion to Hold Appeal in Abeyance for Demetrus Lawon McClary appeal which will be filed today with the Court of Appeals.

Thank you.

Chris

Chris Stock
Administrative Assistant
Commission on Indigent Defense
Appellate Division
(803) 734-1330