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Feb 16 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

Honorable Brian M. Gibbons, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TIMOTHY JAMES THOMPSON

APPELLANT

APPELLATE CASE NO. 2022-000397

MOTION TO HOLD APPEAL IN ABEYANCE PENDING RECEIPT OF AN EXPEDITED
TRANSCRIPT

Undersigned counsel respectfully moves to hold the above-captioned case in abeyance pending receipt of an expedited transcript of a March 11, 2022, WebEx pre-trial hearing.

1. Appellant was indicted at the March 8, 2020, term of the Fairfield County Grand Jury for the offenses of murder and hit-and-run involving death, both charges pertain to the same victim.

2. Appellant's case was called to trial on March 21, 2022, before the Honorable Brian M. Gibbons, and a jury. William Frick represented appellant. Riley Maxwell and Henry McMaster, Jr. were the assistant solicitors.

3. The jury found appellant guilty of both offenses. Judge Gibbons sentenced appellant to life imprisonment for murder, and he imposed a ten-year, concurrent sentence for hit-and-run involving death.

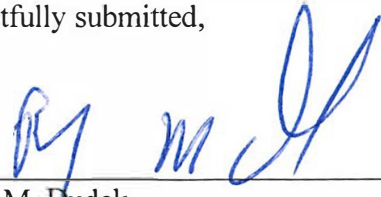
4. The legal issue involved in this case is the trial judge allowing state's witness Tommy Bell to testify virtually, over objection, rather than live before the trial jury. The Office of Appellate Defense did not have prior notice that a WebEx pre-trial hearing on this legal issue was held on March 11, 2022, before the Honorable Brian M. Gibbons in Chester, South Carolina. After learning of this WebEx pre-trial hearing, and making inquiries about it, it was then thought that no transcript of this pre-trial hearing could be transcribed since there was not a court reporter present during the WebEx hearing. However, this office learned yesterday from Court Administration that the WebEx hearing on this legal issue could be transcribed. Consequently the Office of Appellate Defense has ordered an expedited transcript of this pre-trial hearing. A copy of the expedited transcript request is attached as Exhibit A to this motion.

5. The initial brief of appellant in this case has been largely drafted, and undersigned counsel will file the initial brief of appellant and designation of matter no later than ten days after receipt of the expedited transcript unless this Court sets a different deadline in its order. Undersigned counsel will immediately contact this Court upon receipt of the expedited transcript.

6. Counsel has consulted with opposing counsel, Melody Brown, and she graciously consents to this motion.

WHEREFORE, undersigned counsel respectfully requests that this Court hold the above-captioned case in abeyance pending receipt of the above-referenced March 11, 2022, expedited pre-trial transcript. Counsel also requests that the time limits for filing the initial brief and designation of mater be held in abeyance pending disposition of this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender
Attorney for Appellant

This 16th day of February, 2023.

EXHIBIT A



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

EXHIBIT A

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 15, 2023

DCRP
Court Administration
1220 Senate Street, Suite 200
Columbia, SC 29201

Dear DCRP:

Please provide us with the following transcript:

The State v. Timothy James Thompson

Case #: 2020-GS-20-399, 2020-GS-20-400

Appellate Case No. 2022-000397

County: Fairfield

Date of Trial: March 11, 2022

Presiding Judge: Brian M. Gibbons

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@scoid.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>

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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://scoid.sc.gov/register.cfm>

EMAIL ADDRESS:

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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 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 2020-GS-20-399, 2020-GS-20-400	Case Caption (i.e. State v. John Doe or Smith v. Smith) The State v. Timothy James Thompson		
Date(s) of Proceeding March 11, 2022	Circuit X Family	County Fairfield	
Presiding Judge Brian M. Gibbons	Expedited Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Court Reporter(s) DCRP	Opposing Counsel		

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

Date: 02/15/2023

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 _____

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TIMOTHY JAMES THOMPSON

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APPELLATE CASE NO. 2022-000397

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 in Abeyance in the above referenced case has been served on Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 16th day of February, 2023.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

From: [Warren, Kaylynn](#)
To: [SC - BROWN MELODY](#)
Cc: [Angela Brown](#); [Dudek, Robert](#)
Subject: 2022-000397 The State v. Timothy James Thompson
Date: Thursday, February 16, 2023 11:43:00 AM
Attachments: [2022-000397 The State v. Timothy James Thompson Motion to Hold Appeal in Abeyance Pending Receipt of an Expedited Transcript and COS.pdf](#)

Good Morning,

Please find attached for service in the above-referenced case the Motion to Hold in Abeyance which will be filed today, February 16, 2023, with the Court of Appeals via email filing.

Respectfully,
Kaylynn

Kaylynn Warren

Administrative Assistant
South Carolina Commission on Indigent Defense
Division of Appellate Defense
(803) 734-1330