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May 19 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal From Jasper County
The Honorable Robert J. Bonds, Circuit Court Judge
Appellate Case Tracking Number 2022-001011

The State,

Appellant,

vs.

Tommy Lee Brown,

Respondent.

MOTION TO HOLD APPEAL IN ABEYANCE

The State of South Carolina respectfully shows unto this Court:

Information has come to the State's attention which may render the underlying issues in this appeal moot. The issues relate to a witness who, at the time the case was called for trial, the State believed to be unavailable because they were out of the country. The witness may no longer be unavailable and would be subject to subpoena by the State to attend a subsequent trial. The State is currently coordinating with the Solicitor's Office to determine whether the issues which would be raised in the appeal are in fact moot. As a result, the State believes it best to hold the appeal in abeyance. If the underlying issues are moot, the State will immediately move to withdraw the underlying appeal. If the issues are not moot, the State will notify the Court as soon as a determination can be made and will proceed with briefing.

WHEREFORE, the State asks this Court to hold this appeal in abeyance to allow the State to determine whether the underlying issues have been rendered moot; and for any such further relief as the Court determines is appropriate.

Respectfully submitted,

ALAN WILSON
Attorney General

WILLIAM M. BLITCH, JR.
Senior Assistant Attorney General

BY: 

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ATTORNEYS FOR APPELLANT

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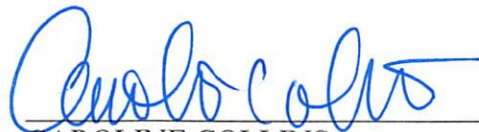
Respondent.

PROOF OF SERVICE

I, Caroline Collins, certify that I have served the Motion to Hold Appeal in Abeyance by emailing a copy of same to Respondent's counsel of record, Jared S. Newman, Esquire, at his primary email address provided by the Attorney Information System (AIS).

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

This 19th day of May, 2023.



CAROLINE COLLINS
Administrative Coordinator
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