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Sep 06 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Lancaster County

Honorable Maite Murphy, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

QUINTERIOUS R. TRUESDALE,

APPELLANT.

Appellate Case No. 2022-000903

**MOTION TO HOLD TIME LIMITS IN ABEYANCE PENDING
RECEIPT OF A CORRECTED TRIAL TRANSCRIPT**

Respondent, the State, moves this Court to hold the time limits – specifically the time for filing Respondent’s initial brief – in abeyance pending service of a reviewed and corrected trial transcript in the above captioned matter, along with time for review and amendment of the Initial Brief of Appellant, if needed. In support of this motion, Respondent would respectfully show the Court.

1. The initial brief of respondent is currently due to be filed on September 14, 2023. Upon detailed review of the trial transcript, undersigned counsel noted that certain portions of the transcript appeared to be transcribed out of order (for instance, at least a portion of “Day 2” is transcribed as taking place after “Day 3”).
2. However, after consultation with opposing counsel, counsel for Appellant and

counsel for Respondent agree that the noted error(s) of the transcript are sufficient to warrant a return of the transcript to the court reporter for review and correction before briefing continues.

3. Moreover, counsel for the parties have reached out to the assistant solicitor and defense attorney who tried the case in effort to gain additional information as to the nature of the transcription error.
4. Attorneys Devon Nelson, Esq. and Assistant Solicitor Melissa McGinnis have been contacted in regard to this matter. In their review, both are not readily aware of any omitted portions of the trial and that the error would *appear* to be limited to out of order transcription. Optimistically, this would suggest that review and correction would not be a protracted process.
5. However, it is possible that the necessary corrections to the transcript may result in Appellant's need to file an Amended Initial Brief of Appellant, to include, but not limited to the need for corrected transcript page citations.
6. Upon receipt of the corrected transcript by the parties, Respondent will provide notice of its receipt to the Court. It will also provide a proposed scheduling order for the timely filing of the necessary briefs of the parties so as to conform with the following requested time limits:
 - a. Respondent asks that (15) days be provided to Appellant following the parties' receipt of the corrected transcript, so as to give Appellate time to review the corrected transcript and file any necessary amendments to his initial brief.
 - b. Respondent respectfully requests that the due date for filing of the Initial Brief

of Respondent be made forty-five (45) days following receipt of the corrected transcript (i.e. 30 additional days from the final date of any potential amendment).

7. Undersigned counsel is informed that counsel for Appellant has consented to this request.

WHEREFORE, Respondent respectfully requests the time limits in the appeal be held in abeyance pending receipt of corrected transcript in this matter. After which, Respondent respectfully requests this Court allow for fifteen (15) days for Appellant to file an Amended Initial Brief, and thirty (30) additional days in which to file the Initial Brief of Respondent.

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

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Senior Assistant Deputy Attorney General

W. JOSEPH MAYE
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BY: *s/ W. Joseph Maye*

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September 6, 2023
Columbia, South Carolina

ATTORNEYS FOR RESPONDENT

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PROOF OF SERVICE

I, **W. Joseph Maye**, counsel for the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, a copy of Respondent's Motion to Hold Time Limits In Abeyance Pending Receipt of a Corrected Trial Transcript has been forwarded to Appellant's counsel, Robert M. Dudek, Esq., via email today, September 6, 2023, to his email address RDudek@sccid.sc.gov.

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

This 6th day of September, 2023.

s/ W. Joseph Maye _____

W. JOSEPH MAYE

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