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Sep 20 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County
Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TERRIO JACQUARD THOMAS,

APPELLANT

APPELLATE CASE NO. 2023-000371

MOTION TO HOLD IN ABEYANCE

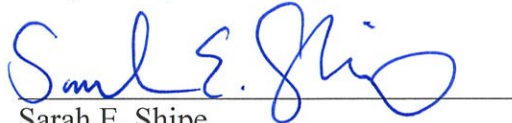
Undersigned counsel respectfully moves this Court to hold the timelines for filing the Initial Brief of Appellant and Designation of Matter in abeyance pending receipt of a corrected, more complete trial transcript dated November 8-9, 2021. The Initial Brief of Appellant and Designation of Matter in this case are due for filing on September 29, 2023. There have been two extensions granted in this case. In support of this request, counsel shows:

1. On March 22, 2023, this office ordered transcripts in this case. The proceedings were recorded via DCRP and transcribed by court reporter Penny M. Johnson. Transcripts were received on May 30, 2023.
2. When undersigned counsel began reviewing the transcripts counsel noticed several instances of “unintelligible” and one instance of “inaudible.”

3. After a review of the entire 184-page transcript counsel found a total of 99 instances of “unintelligible.” The instances were found on the following pages: 8, 9, 12, 19, 29, 52, 62-66, 69, 71-72, 75, 77-78, 80-91, 101-103, 108, 117, 119, 131-132, 135, 138, 143-144, 148-149, and 151-153.
4. Undersigned counsel notes some of the instances of “unintelligible” appear to be an entire sentence or more and not a single word.
5. Undersigned counsel is concerned that there are so many instances in the transcript that are “unintelligible” that the transcript does not afford appellant meaningful appellate review of his case.
6. On September 20, 2023, our office contacted court reporter Penny M. Johnson, via email, to request that she listen to the DCRP recordings again and try to correct and complete the transcript. The email request is attached to this motion.
7. Counsel will notify this Court immediately upon receipt of the corrected, complete transcript.

WHEREFORE, undersigned counsel respectfully requests this Court grant her motion to hold the appeal in abeyance until receipt of corrected, complete November 8-9, 2021, trial transcript.

Respectfully submitted,



Sarah E. Shipe
Appellate Defender
ATTORNEY FOR APPELLANT

This 20th day of September, 2023

cc: Mark R. Farthing, Esquire

From: [Mcinnis, Sara](#)
To: [Mark Farthing](#)
Cc: ccollins@scaj.gov; [Shipe, Sarah](#)
Subject: 2023-000371 The State v. Terrio Thomas
Date: Wednesday, September 20, 2023 10:39:00 AM
Attachments: [2023-000371 The State v. Terrio Thomas Motion to Hold in Abeyance.pdf](#)
[Email to Court Reporter - Request for Completed Transcript.pdf](#)

Good Morning Mr. Farthing,

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

Thank you!
Sara

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

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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

—————
Certiorari to Beaufort County

Carmen T. Mullen, Circuit Court Judge
—————

STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

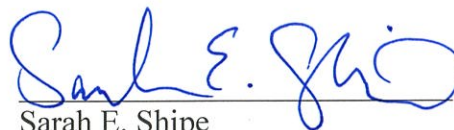
TERRIO JACQUARD THOMAS,

APPELLANT

APPELLATE CASE NO. 2023-000371
—————

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 have been served upon Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 20th day of September, 2023.



Sarah E. Shipe
Appellate Defender

ATTORNEY FOR APPELLANT

Shipe, Sarah

From: White, Della
Sent: Wednesday, September 20, 2023 9:41 AM
To: SC - JOHNSON PENNY
Cc: Transcripts; Shipe, Sarah
Subject: Re: Terrio Thomas (2021-GS-07-01630, 2021-GS-07-00507, 2021-GS-07-00508 and 2021-GS-70-00509)

Good morning,

While working on the above-referenced case, it was discovered that the trial transcript of November 8-9, 2021, a 184-page transcript had 99 separate items labelled "unintelligible." They are on the following pages:

8, 9, 12, 19, 29, 52, 62-66, 69, 71-72, 75, 77-78, 80-91, 101-103, 108, 117, 119, 131-132, 135, 138, 143-144, 148-149, and 151-153.

Is it possible for you to review and determine if any can corrected?

Thank you for your time in advance.

Della White
SC Commission on Indigent Defense
1330 Lady Street, Suite 401
P.O. Box 11589
Columbia, SC 29201
Office: 803-734-1330

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