

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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NOV 17 2023

SC Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of General Sessions

R. Lawton McIntosh, Circuit Court Judge

Appellate Case no. : **2023 - 001596**

The State of South Carolina.....Respondent,

v

Jesse Osborne.....Appellant.

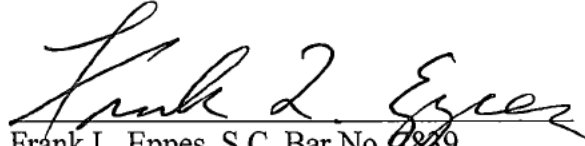
**MOTION TO ORDER TRANSCRIPT OUTSIDE FILING
DEADLINES of RULE 207 SCACR**

Appellant, by and through the undersigned counsel, moves this Court for permission to Order the transcript(s) of proceedings outside the time provided for in Rule 207 SCACR. This motion is based upon the following grounds:

1. Appellant is indigent and has transmitted his affidavit of indigency to the Office of Indigent Defense, but they have not yet accepted his representation.
2. Appellant already has copies of the following transcripts which do not need to be ordered:
 - A. Transcript of Waiver Hearing dated February 12-16, 2018
 - B. Transcript of Sentencing Hearing dated November 12-14, 2019
3. The missing transcripts are as follows:
 - A. The guilty plea which was held on December 12, 2018 and sentence was deferred.
 - B. The hearing on the Motion to Reconsider which was held on May 22, 2023
4. Pursuant to SCACR 207, the letter ordering the transcripts should have been sent on or before November 10, 2023. An extension of time to January 1, 2024 should be sufficient to allow counsel to be in place and request these transcripts.

Appellant would respectfully request that he be allowed to confirm his representation and thereafter order the transcripts that are not yet with his custody.

Respectfully submitted,



Frank L. Eppes, S.C. Bar No. 7889
EPPES & PLUMBLEE, P.A.
Post Office Box 10066
Greenville, South Carolina 29603
(864) 235-2600
Attorney for Appellant

November 14, 2023

OTHER COUNSEL OF RECORD:

David Wagner
Anderson Solicitor's Office
Anderson County Courthouse
101 South Main Street
Anderson, South Carolina 29624

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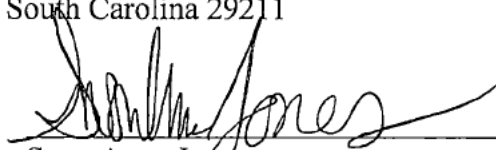
v

Jesse Osborne.....Appellant.

AFFIDAVIT OF SERVICE BY MAIL

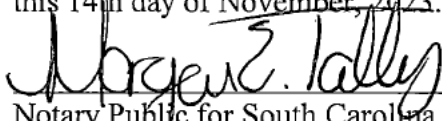
PERSONALLY APPEARED before me the undersigned, who, after being duly sworn, states that she served the Appellant's Motion to Order Transcript Outside of Deadlines upon counsel in the above-referenced matter by depositing a copy thereof in the United States Mail, postage prepaid, and addressed as follows:

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211



SnowAnna Jones
Paralegal to Frank L. Eppes

SWORN to and SUBSCRIBED before me
this 14th day of November, 2023.



Notary Public for South Carolina
My Commission Expires: 7-13-23



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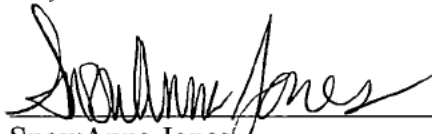
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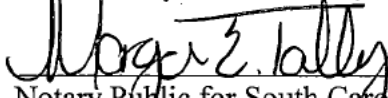
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EPPE & PLUMBLEE, P.A.

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FRANK EPPES
(1922-2002)

* ALSO ADMITTED IN NEW YORK
† ALSO ADMITTED IN NORTH CAROLINA

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The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: State of South Carolina v. Jesse Osborne
Appellate Case No. : **2023 - 001596**

Dear Ms. Kitchings:

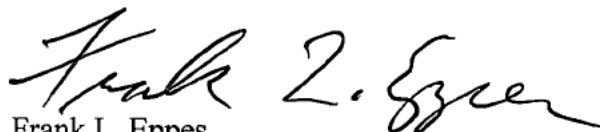
Attached please find an original and two copies of each of the **Motion to Order Transcript Outside Filing Deadlines of Rule 207 SCACR** and Affidavits of Service in the above-referenced matter.

Please file the originals and return two clocked copies of the Notice and Affidavits of Service in the enclosed self-addressed stamped envelope. I have NOT been retained in this matter and I believe Appellate Defense will be handling it.

If you need anything further from me concerning this matter, please let me know.

Thank you for your help in this matter.

Sincerely,
EPPE & PLUMBLEE, P.A.


Frank L. Eppes

Enclosures

cc: David Wagner, 100 S Main Street Anderson, SC 29624

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