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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Richland County  
The Honorable Clifton Newman, Circuit Court Judge

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THE STATE,

APPELLANT,

v.

DELRICO EDMONDS,

RESPONDENT.

Appellate Case No. 2022-001716

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**MOTION TO HOLD TIME LIMITS IN ABEYANCE PENDING  
RECEIPT OF TRANSCRIPTS**

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This is a State’s appeal from the grant of a new trial after Respondent/Appellee was convicted of murder and possession of a weapon during a violent crime and sentenced to 30 years concurrent. Appellant, the State, moves this Court to hold the time limits – specifically the time for filing Appellant’s initial brief – in abeyance pending service of post-trial transcripts in the above captioned matter, along with time for review and including in the Initial Brief of Respondent. In support of this motion, Appellant would respectfully show the Court.

1. The initial brief of Appellant is currently due to be filed today, Wednesday, December 6, 2023. Upon notice from the Solicitor’s Office, and review of the trial transcript and the post-trial transcript available, the transcripts from July 18, 2022;

April 6, 2023, and April 17, 2023, are needed to properly prepare the Initial Brief of Appellant.

2. Appellant received the Transcript of Record for the April 17, 2023, hearing previously. The July 18, 2022, transcript and the April 6, 2023, transcript were never received by Appellant. Appellant has requested these two (2) transcripts from the respective court reporters. To date, Appellant has not received the other two (2) transcripts of record from July 18, 2022. and April 6, 2023.
3. In one post-trial hearing transcript and/or the Order granting a new trial that Respondent has received, the trial judge and/or defense counsel mention a Blair [competency hearing] which allegedly took place which is relevant to the issue raised on appeal; however, after talking with the court reporter who transcribed the trial itself; there is no Blair hearing transcript from the trial itself, and Appellant will continue to attempt to locate the same [possibly pre-trial] if it exists; however, it is necessary to this appeal to have that transcript or determine definitively whether a Blair hearing took place at trial without being recorded, occurred pre-trial, or did not occur at all;
4. Counsel for Respondent, David Alexander, has consented to this Hold in Abeyance request, and agrees that the transcripts noted above are sufficient to warrant a Motion to Hold in Abeyance so as to review these transcripts before briefing continues;
5. Once Appellant receives all of the transcripts, it will be necessary for Appellant's to revise the Initial Brief of Respondent, to include, but not limited to, the need for

additional transcript page citations. Appellant requests the due date be thirty (30) days following receipt of the transcripts.

6. Undersigned counsel spoke with counsel for Respondent/Appellee, and he has consented to this request to Hold in Abeyance the time for filing the Initial Brief of Appellant while waiting on these transcripts.

WHEREFORE, Appellant respectfully requests the time limits in the appeal be held in abeyance pending receipt of the transcripts in this matter. After which, Appellant respectfully requests this Court allow thirty (30) days to review such transcripts, include what is necessary in the Initial Brief of Appellant, and to file the Initial Brief of Appellant.

Respectfully submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General

J. ANTHONY MABRY  
Senior Assistant Attorney General

BY: s/ J. Anthony Mabry  
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December 6, 2023  
Columbia, South Carolina

ATTORNEYS FOR APPELLANT

RECEIVED

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SC Court of Appeals

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**PROOF OF SERVICE**  
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I, **Donna D'Alessio**, an employee of the Appellant and legal assistant to J. Anthony Mabry, of counsel for the Appellant, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion to Hold Time Limits in Abeyance Pending Receipt of Transcripts has been forwarded to Respondent's counsel, David Alexander, Esq., via email today, December 6, 2023 to [DAlexander@sccid.sc.gov](mailto:DAlexander@sccid.sc.gov) and to his assistant at [spollard@sccid.sc.gov](mailto:spollard@sccid.sc.gov).

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

This 6<sup>th</sup> day of December, 2023.

s/ Donna D'Alessio  
\_\_\_\_\_  
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