

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED

Appellate Case No. 2024-000412

AUG 28 2024

SC Court of Appeals

Marshall Miller, #249557 -- Appellant,

-Vs-

South Carolina Dep't of Corr. -- Respondent,

MOTION AND REQUEST
TO HOLD THE INSTANT
CASE IN ABEYANCE

Marshall Miller
SCDC# 249557
tyger River Corr. Inst.
200 Prison Rd.
Enoree, SC. 29335

Appellant, pro-se

DATED: August 23, 2024.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appellate Case No.2024-000412

Marshall Miller, #249557 -- Appellant,

-Vs-

South Carolina Dep't of Corr. -- Respondent,

**MOTION AND REQUEST
TO HOLD THE INSTANT CASE
IN ABEYANCE**

COMES NOW, above captioned Appellant, Marshall Miller, pro-se, respectfully moving this Honorable Court to place the above captioned Appellate Case No.2024-000412, in abeyance due to the unique facts and circumstances of the underlying case.

In support of this request Appellant would show unto this Court the following unique circumstances that warrant good cause to hold this case in abeyance:

(1). Appellant is pro-se in this matter; unrepresented by Counsel and is also presently incarcerated in the South Carolina Department of Corrections serving a 25-year State sentence for

conspiracy to traffick in methamphetamine pursuant to commitment orders of the Abbeville County Clerk of Court.

(2). However, on August 30, 2024 (at the end of this present month) Appellant will have satisfied and completed the 25-year South Carolina state sentence and Appellant has a Federal detainer lodged against him on an unrelated federal charge;

(3). Which means, on August 30, 2024 Appellant will be transferr[ed] over to federal custody and in federal transit to be designated to a federal facility to being commencement of a 15-year consecutive federal sentence; and therefore Appellant will no longer be housed in the State of South Carolina in a state facility.

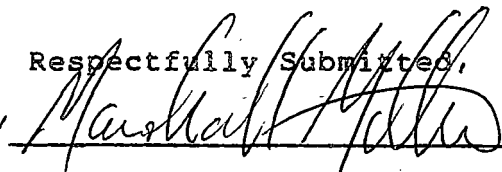
(4). In fact it is virtually impossible to determine what Federal Institution and in what State Appellant will be housed at once he becomes a Federal Prisoner which is why it is extremely critical that the Court hold the above captioned case in abeyance pending Appellant's arrival at the federal institution where Appellant can notify the Court and Respondents of his residence and mailing address in the interest of justice;

(5). Due to fact the above captioned is an on-going pending litigation and the fact Appellant's absence from state custody would place an undue hardship on Respondents and Appellant with Court filing deadlines and fundamental fairness etcetera; holding the case in abeyance is fair to both parties and neither would be prejudiced by such.

CONCLUSION

WHEREFORE, based on the above, Appellant respectfully prays that this Court would hold the instant matter in abeyance pending Appellant's transfer over to federal custody and arrival at the Federal Institution to allow Appellant a fair opportunity to litigate his position in the prevailing wage appeal presently before this Court.

Respectfully Submitted,

/s/ 

Marshall Miller, #249557

Appellant, pro-se

DATED: 8/23, 2024.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appellate Case No. 2024-000412

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AUG 28 2024
SC Court of Appeals

Marshall Miller, #249557 -- Appellant,

-Vs-

South Carolina Dep't of Corr. -- Respondent,

CERTIFICATE OF SERVICE

The undersigned hereby certifies he has served a true and correct copy of the enclosed Motion to Hold the Case in Abeyance on the persons whose names and addresses appear below by placing the aforesaid in properly addressed, first-class postage affixed envelopes and placed in the U.S. mail this 23 day of August 2024.

Those Served:

The Hon. Jenny A. Kitchings
Clerk of S.C. Ct. of Appeals
P.O. Box 11629
Columbia, SC. 29211

Christina C. Bigelow, Esquire
SCDC General Counsel
P.O. Box 21787
Columbia, SC. 29221-1787

Respectfully Submitted,

/s/ Marshall Miller
Marshall Miller

Appellant, pro-se

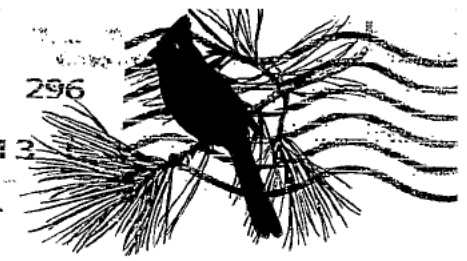
Sworn to and Subscribed Before
Me This 23 Day of August, 2024

[Signature]
NOTARY PUBLIC

My Comm. Expires 10/2/24

Marshall R. Miller #249557
Tiger River Corp. Inst. U-1-206
200 Prison Rd.
Enoree, S.C. 29335

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FOREVER / USA

Honorable Jenny A. Kellogg
Clerk of SC Court of Appeals
P.O. Box 11629
Columbia, SC

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SC Court of Appeals

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