

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TASHAN ANTOINE CARSON

APPELLANT

APPELLATE CASE NO. 2024-000975

MOTION TO HOLD APPEAL IN ABEYANCE PENDING RECEIPT OF TRANSCRIPT

Undersigned counsel respectfully moves to hold the above-captioned case in abeyance pending receipt of the complete trial transcript from March 27-29, 2024. The Initial Brief of Appellant and Designation of Matter in this case are due for filing on October 28, 2024. There have been no extensions in this case. In support of this request, counsel shows:

1. Appellant was indicted at the July 2022 term of the Spartanburg County Grand Jury for the offenses of threatening a public official, trafficking methamphetamine- 2nd offense, possession of a weapon during the commission of a violent crime, and unlawful carrying of a pistol.

2. Appellant's case was called to trial on March 27-29, 2024, before the Honorable J. Derham Cole and a jury. Suzanne H. White represented appellant. Tyler Brown was the assistant solicitor prosecuting for the state.


3. The jury found appellant guilty of all offenses as indicted. Judge Cole convened a sentencing hearing on April 12, 2024 and sentenced appellant to five years' imprisonment on the charge of threatening a public official, fifteen years and a fine of \$50,000 suspended upon service of seven years plus costs and assessments on the methamphetamine trafficking charge, five years on the possession of a weapon charge, and one year on the unlawful carry charge, all to run concurrently. This case is now on appeal before this Court, and undersigned counsel is appellate counsel for appellant.

4. Upon reading the trial transcript, counsel discovered that *voir dire* and jury selection were not transcribed by the court reporter. Upon this discovery, counsel acted immediately to procure the complete trial transcript. Therefore, to have a complete record in this case this office has ordered the transcript as evidenced by Exhibit A attached to this motion.

5. Counsel discovered the missing transcript early and endeavored to prepare this motion before taking any extensions in appellant's case.

WHEREFORE, undersigned counsel respectfully requests that this Court hold the above-captioned case in abeyance pending receipt of the complete trial transcript. Counsel also requests that the time limits for filing the initial brief and designation of mater be held in abeyance pending disposition of this motion.

Respectfully submitted,



Sarah E. Shipe
Appellate Defender
Attorney for Appellant

This 28th day of October, 2024.

RECEIVED

Oct 28 2024

SC Court of Appeals

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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 has been served on Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 28th day of October, 2024.



Sarah E. Shipe
Appellate Defender

ATTORNEY FOR APPELLANT

EXHIBIT A

From: [White, Della](#)
To: [Warren, Kaylynn](#)
Cc: [McCinnis, Sara](#)
Subject: FW: [External] Re: St v. Carson
Date: Wednesday, October 23, 2024 2:29:46 PM

I have emailed Ms. McDaniel to follow up on the below email.

From: White, Della <dwhite@sccid.sc.gov>
Sent: Wednesday, September 25, 2024 5:41 PM
To: McDaniel, Lora <lmcdaniel@sccourts.org>
Subject: Re: [External] Re: St v. Carson

Hi Lora,

I was wondering if you might have the jury selection in this case (State v. Tashan Carson [2024-000975](#)) out of Spartanburg. We have the March 27 transcript. Jury selection could be on that day or March 26 (which was not requested). Please let me know.

Thanks so much.

Della

Get [Outlook for iOS](#)

From: White, Della <dwhite@sccid.sc.gov>
Sent: Friday, August 23, 2024 9:00:47 AM
To: McDaniel, Lora <lmcdaniel@sccourts.org>
Subject: RE: [External] Re: St v. Carson

Thank you!

-----Original Message-----

From: McDaniel, Lora <lmcdaniel@sccourts.org>
Sent: Thursday, August 22, 2024 9:16 AM
To: White, Della <dwhite@sccid.sc.gov>
Subject: [External] Re: St v. Carson

Dear Ms. White,

Sorry, thought it was attached with bad invoice.

Thanks

From: White, Della <dwhite@sccid.sc.gov>
Sent: Wednesday, August 21, 2024 9:35 AM
To: McDaniel, Lora
Subject: St v. Carson

*** EXTERNAL EMAIL: This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Good morning,

Thank you for the transcript in the above case. If you do not mind, can you resubmit your invoice with the information requested below.

I appreciate your help.

Thank you,

Della

From: White, Shamaine <slwhite@sccid.sc.gov>
Sent: Wednesday, August 21, 2024 8:20 AM
To: White, Della <dwhite@sccid.sc.gov>
Subject: Lora McDaniel

Good morning Della

The court reporter form you gave me from Lora McDaniel, is missing the following information:

From: [Warren, Kaylynn](#)
To: [Mark Farthing](#)
Cc: [Shipe, Sarah](#); [Caroline Collins](#)
Subject: 2024-000975 The State v. Tashan Antoine Carson
Date: Monday, October 28, 2024 9:33:00 AM
Attachments: [2024-000975 The State v. Tashan Antoine Carson Motion to Hold in Abeyance.pdf](#)

Good Morning,

Attached for service in the above-referenced case is the Motion to Hold Appeal in Abeyance Pending Receipt of Transcript which will be filed today, October 28, 2024, with the Court of Appeals via email filing.

Respectfully,

Kaylynn

Kaylynn Warren

Administrative Assistant

South Carolina Commission on Indigent Defense

Division of Appellate Defense

(803) 734-1330