

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Cherokee County

Honorable R. Keith Kelly, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LARRY CHARLES JONES

APPELLANT

APPELLATE CASE NO. 2024-001013

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 transcript of appellant's mistrial for the same charges before the Honorable J. Derham Cole and a jury during the week of May 23, 2024. The Initial Brief of Appellant and Designation of Matter in this case are due for filing today, December 2, 2024. There have been no extensions in this case. In support of this request, counsel shows:

1. Appellant was indicted at the May 9, 2022, term of the Cherokee County Grand Jury for the offense of distributing methamphetamine.
2. Appellant's case was called to trial again on June 6, 2024, before the Honorable R. Keith Kelly and a jury. Michael Anthony Berry and James Pressley Nietering of the Seventh Circuit

Public Defenders Office represented appellant. Adrienne Elizabeth Berry and Evan M. Haney were the assistant solicitors prosecuting for the state.

3. The jury found appellant guilty as indicted. Judge Kelly sentenced appellant to twenty years' imprisonment. This case is now on appeal before this Court, and undersigned counsel is appellate counsel for appellant.

4. After conversation with appellant and his trial counsel Mr. Nietering, counsel learned appellant had a mistrial on the same charges during the week of May 23, 2024. Upon this discovery, counsel acted immediately to procure the transcript of the mistrial. 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 2nd day of December 2024.

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SC Court of Appeals

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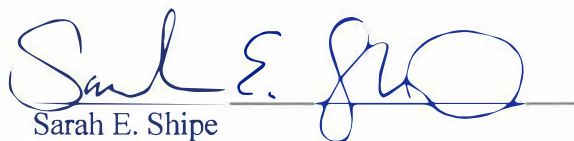
LARRY CHARLES JONES

APPELLANT

APPELLATE CASE NO. 2024-001013

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 2nd day of December, 2024.



Sarah E. Shipe
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Warren, Kaylynn](#)
To: [Mark Farthing](#)
Cc: [Shipe, Sarah](#); [Caroline Collins](#)
Subject: 2024-001013 The State v. Larry Charles Jones
Date: Monday, December 2, 2024 10:25:00 AM
Attachments: [2024-001013 The State v. Larry Charles Jones Motion to Hold in Abeyance.pdf](#)

Good Morning,

Attached for service in the above-referenced case is the Motion to Hold in Abeyance which will be filed today, December 2, 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