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Feb 03 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable Heath P. Taylor, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ALAN GREGORY NIX,

APPELLANT

APPELLATE CASE NO. 2024-001926

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 November 4; 6-7, 2024. The Initial Brief of Appellant and Designation of Matter in this case are due for filing on March 31, 2025. There have been no extensions requested in this case. In support of this request, counsel shows:

1. Appellant was indicted at the November 7, 2024, term of the Charleston County for the offense of resisting arrest.

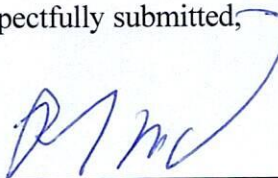
2. Appellant's case was called to trial on November 4; 6-7, 2024, before the Honorable Heath P. Taylor and a jury. Benjamin Mack represented appellant. Andrew McAllister was the assistant solicitor prosecuting for the state.

3. The jury found appellant guilty of the offense as indicted. Judge Taylor convened a sentencing hearing on November 7, 2024, and sentenced appellant. This case is now on appeal before this Court, and undersigned counsel is the Chief Appellate Defender.

4. Upon surveying the trial transcript, undersigned counsel discovered that the transcript did not contain the entire trial testimony. It did it contain closing arguments, the charge on the law, the verdict nor sentencing. Upon this discovery, counsel acted immediately to procure the complete trial transcript necessary for this appeal. That request is attached to this motion as Exhibit A.

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,



Robert M. Dudek
Chief Appellate Defender
Attorney for Appellant

This 3rd day of February, 2025.

Exhibit A

White, Della

From: White, Della
Sent: Friday, January 31, 2025 2:05 PM
To: Kevin Dehlinger
Subject: RE: [External] RE: State v Nix

Ok, thank you.

From: Kevin Dehlinger <kdehlinger@LegalEagleInc.com>
Sent: Friday, January 31, 2025 2:01 PM
To: White, Della <dwhite@sccid.sc.gov>
Subject: [External] RE: State v Nix

Della,

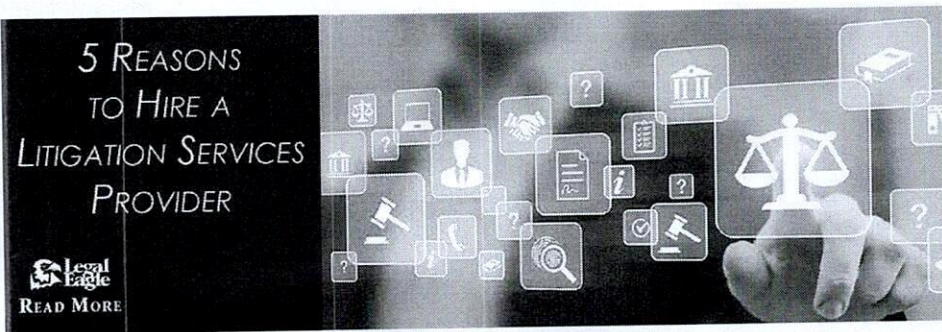
We spoke to the SCJB and have the rest of the audio for Nix. We have sent it back to the transcriber and he will have the additional pages done by February 14th. If this date does not meet your timeline, please let us know. Have a good weekend.



Kevin Dehlinger
Director of Operations

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107 LeGrand Blvd., Greenville, SC 29607
www.LegalEagleInc.com



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From: White, Della <dwhite@sccid.sc.gov>
Sent: Friday, January 31, 2025 9:47 AM
To: Kevin Dehlinger <kdehlinger@LegalEagleInc.com>
Subject: RE: State v Nix

Hi Kevin,

This is not a complete trial transcript with sentencing unless there is another transcript I am missing. This one ends in the middle of the day. Will you check to be sure there is not any more audio, please.

Thank you,

Della

From: Kevin Dehinger <kdehlinger@legaleagleinc.com>
Sent: Wednesday, January 15, 2025 8:46 AM
To: White, Della <dwhite@sccid.sc.gov>
Subject: State v Nix

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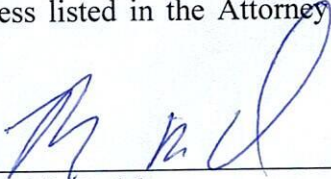
ALAN GREGORY NIX

APPELLANT

APPELLATE CASE NO. 2024-001926

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 3rd day of February, 2025.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT