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Apr 22 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County

Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TERRANCE WING,

APPELLANT

APPELLATE CASE NO. 2024-000637

MOTION TO HOLD APPEAL IN ABEYANCE PENDING RECEIPT
OF OUTSTANDING TRANSCRIPT

Counsel for Terrance Wing respectfully moves to hold the above-captioned case in abeyance pending receipt of the transcript of the November 19, 2020, waiver hearing. In support of this request, counsel shows:

1. The Initial Brief of Appellant and Designation of Matter in this case are due to be served and filed April 23, 2025. This Court has granted four previous extensions in this case.

2. Undersigned counsel has read the transcript of Appellant's April 8 – 15, 2024, jury trial, has identified three meritorious issues on appeal, and is in the process of writing the Initial Brief of Appellant for filing with this Court.

3. However, yesterday, undersigned counsel learned that a waiver hearing was held in this matter in the Beaufort County Family Court prior to the General Sessions trial. Neither

undersigned counsel nor the Office of Appellate Defense had notice that a waiver hearing was held. Due to this regrettable oversight, no transcript of the waiver hearing was previously ordered.

4. Today, undersigned counsel obtained a copy of the Family Court's Order of Waiver to General Sessions, and thus obtained the date of the hearing. The Office of Appellate Defense ordered a transcript of this November 19, 2020, hearing on April 22, 2025. A copy of this transcript request is attached as Exhibit A to this motion.

5. The Office of Appellate Defense has asked that the transcript of the November 19, 2020, hearing be expedited. See Exhibit B.

6. Undersigned counsel has reviewed the Order of Waiver to General Sessions and the order appears conclusory and lacking in an application of facts to conclusions. To make a determination of whether to challenge the waiver of Appellant on direct appeal, counsel needs to obtain and read the transcript of the waiver hearing.

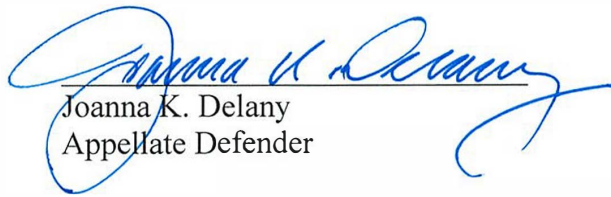
7. Appellant, who was sixteen years old at the time of the crimes, was sentenced to serve thirty-five years for murder and five years consecutive for possession of a weapon during the commission of a violent crime. This is Appellant's only chance to challenge the waiver of his case pursuant to *Kent v. U.S.*, 383 U.S. 541 (1966).

8. Given all of the above, undersigned counsel respectfully requests this Court hold the case in abeyance pending receipt of the November 19, 2020, waiver hearing transcript. Counsel will immediately contact this Court upon receipt of the transcript, and will file the Initial Brief of Appellant and Designation of Matter within thirty days without asking for any other extensions.

9. This request is made in good faith, and not for purposes of delay, but due to the unfortunate circumstances described above.

WHEREFORE, the undersigned counsel would respectfully request that this Court hold the above-captioned case in abeyance pending receipt of the above-referenced November 19, 2020, waiver hearing transcript. Counsel also requests that the time limits for filing the initial brief and designation of matter be held in abeyance pending disposition of this motion.

Respectfully submitted,



Joanna K. Delany
Appellate Defender

This 22nd day of April, 2025.

Exhibit A



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401

Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1345

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

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SC Court of Appeals

April 22, 2025

DCRP
Court Administration
1220 Senate Street, Suite 200
Columbia, SC 29201

Dear DCRP:

Please provide us with the following transcript:

The State v. Terrance Wing

Case #: 2020-GS-07-02234,
2020-GS-07-02293

Appellate Case No. 2024-000637

County: Beaufort

Date of Trial: Nov. 19, 2020

Presiding Judge: Gerald C. Smoak

Pursuant to the SC Court Reporter's Manual, please number the lines on the paper from 1-25 and include any and all recorded motions (pretrial and post-trial). Consecutive numbering of pages must be used throughout all volumes regardless of the number of volumes involved. Additionally, please transcribe the **jury selection** and the State and defense counsel's **opening and closing arguments** and include the **jury strike sheet**. Please be sure to include **headers** and a **complete index** including a **listing of exhibits**. **Please, do not include keyword indexing.**

If you are aware of any co-defendants, additional transcripts, or if the Attorney General's Office has already requested a transcript, please let us know.

Please send transcripts electronically, you must use the SC Department of Technology's file transfer service at <https://scfiledrop.sc.gov>. New users click the register button to sign up for the service. For assistance with registration or passwords, contact the SC Department of Technology Service Center at 803-896-0001, option 2.

To ensure prompt payment, please sign and complete the enclosed form and include the original criminal case number (indictment number) where the space is provided.

Sincerely,

s/ Della White
Administrative Coordinator

cc: S. C. Court of Appeals
Attorney General's Office
S. C. Court Administration

**SCCID**

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

COURT REPORTERS' REQUEST FOR PAYMENT FOR TRANSCRIPT IN CRIMINAL INDIGENCY CASE

TO: SC COMMISSION ON INDIGENT DEFENSE
PO BOX 11589
COLUMBIA, SC 29211-1589

SIGNATURE OF APPROVING OFFICIAL AT APPELLATE DEFENSE:

FORWARD THIS SIGNED AND COMPLETED FORM ALONG WITH THE REQUESTED TRANSCRIPT TO THE SC COMMISSION ON INDIGENT DEFENSE, APPELLATE DIVISION. THE SC COMMISSION ON INDIGENT DEFENSE, APPELLATE DIVISION WILL APPROVE THIS REQUEST FOR PAYMENT AND FORWARD THE REQUEST TO THE S.C. COMMISSION ON INDIGENT DEFENSE FOR PAYMENT. ALL QUESTIONS REGARDING PAYMENT SHOULD BE MADE TO THE S.C. COMMISSION ON INDIGENT DEFENSE P.O. BOX 11433, COLUMBIA, SC 29211-1433, PHONE: (803) 734-1343, E-Mail: executive@sccid.sc.gov.

CASE NAME:

CRIMINAL CASE (INDICTMENT) NO.(s):

DATE TRANSCRIPT REQUESTED BY APPELLATE DEFENSE:

DATE TRANSCRIPT PROVIDED TO APPELLATE DEFENSE:

PLEASE NOTE THAT THE DEFENSE OF INDIGENTS FUND WILL REIMBURSE THE REQUESTING PARTY FOR EITHER THE ORIGINAL TRANSCRIPT OR ONE COPY, BUT NOT FOR BOTH. PLEASE DO NOT INCLUDE KEYWORD INDEXING.

RULE 607 (H)(1), SCACR, PROVIDES THAT IN ALL CRIMINAL INDIGENCY CASES, INCLUDING POST-CONVICTION AND SEXUAL VIOLENT PREDATOR PROCEEDINGS, THE FEE FOR THE ORIGINAL TRANSCRIPT IS FOUR DOLLARS AND TWENTY-FIVE CENTS (\$4.25) PER PAGE AND THE FEE FOR A COPY OF THE TRANSCRIPT IS ONE DOLLAR (\$1.00) PER PAGE.

PURSUANT TO THE REQUEST OF THE S.C. COMMISSION ON INDIGENT DEFENSE, APPELLATE DIVISION, THE TRANSCRIPT IN THE ABOVE MATTER WAS PROVIDED TO THAT OFFICE. REIMBURSEMENT IN THE FOLLOWING AMOUNT IS HEREBY REQUESTED:

ORIGINAL TRANSCRIPT OF _____ PAGES: \$ _____

COPY OF ORIGINAL TRANSCRIPT OF _____ PAGES: \$ _____

OTHER (Please specify): _____: \$ _____

TOTAL PAYMENT REQUESTED:

\$

PRINTED OR TYPED NAME OF COURT REPORTER:

SIGNATURE OF COURT REPORTER:

ADDRESS:

A SC VENDOR IDENTIFICATION NUMBER, WHICH IS ISSUED BY THE SC COMPTROLLER GENERAL'S OFFICE, AND IS NEITHER A FEDERAL EMPLOYER IDENTIFICATION NUMBER NOR AN INDIVIDUAL SOCIAL SECURITY NUMBER, IS REQUIRED FOR PAYMENT PROCESSING. (SCCID DOES NOT REQUIRE A FEI OR SSN)

IF YOU DO NOT HAVE A SC VENDOR ID NUMBER, APPLY HERE:

<https://webprod.cjo.sc.gov/SCVendorWeb/mainNewFrame.do>

PHONE NUMBER:

NOTE: ONCE YOU APPLY FOR A SC VENDOR ID, THE SC COMPTROLLER GENERAL'S OFFICE REQUIRES A 72-HOUR WAITING PERIOD TO VERIFY YOUR ID NUMBER. ADDITIONAL LINKS AND INFORMATION MAY BE FOUND AT:

<http://sccid.sc.gov/register.cfm>

EMAIL ADDRESS:

VENDOR ID NUMBER:

SCCID USE ONLY:

SCCID FILE NUMBER:

DOCUMENT NUMBER:



South Carolina Judicial Branch

TRANSCRIPT REQUEST FORM

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SC Court of Appeals

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter/Transcriptionist [and](mailto:transcripts@sccourts.org) to South Carolina Court Administration at transcripts@sccourts.org. If WebEx or DCRP were used to capture the record, please indicate below and send the form to transcripts@sccourts.org.

Requestor's Information			
Full Name Della White	Law Firm/Agency South Carolina Commission on Indigent Defense	Phone Number 803-734-1330	
Email Address dwhite@sccd.sc.gov		Mailing Address PO Box 11589 Columbia, SC 29211	
Is the requestor a party in the case? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If no, does the requestor represent a party? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of party _____			
Transcript Information			
Docket Number 2020-GS-07-02234, 2020-GS-07-02293	Full Case Caption (i.e. State v. John Doe or John Smith v. Jane Smith) The State v. Terrance Wing		Circuit <input checked="" type="checkbox"/> Family <input type="checkbox"/>
Date(s) of Proceeding Nov. 19, 2020	County Beaufort	Appeal pending <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Death Penalty <input type="checkbox"/> Yes <input type="checkbox"/> No
Presiding Judge Gerald C. Smoak		Special Circumstances Is the hearing to be transcribed one of the following: <input type="checkbox"/> Termination of parental rights <input type="checkbox"/> Adoption <input type="checkbox"/> Any actions involving child custody/visitation.	
Opposing Counsel(s) (name and email address) South Carolina Attorney General			
Court Reporter(s) DCRP	<input type="checkbox"/> Webex <input type="checkbox"/> DCRP		
Portion of proceeding to be transcribed <input checked="" type="checkbox"/> Entire hearing <input type="checkbox"/> Voir dire by juror <input type="checkbox"/> Jury selection <input type="checkbox"/> Plaintiff's opening statement <input type="checkbox"/> Defendant's opening statement <input type="checkbox"/> Plaintiff's closing arguments <input type="checkbox"/> Defendant's closing arguments <input type="checkbox"/> Entire direct examination <input type="checkbox"/> Entire cross examination <input type="checkbox"/> Entire redirect <input type="checkbox"/> Examination of witness (W) by attorney (A) W: _ A: <input type="checkbox"/> Ruling of the court		Delivery Timeframe (check Rule 607 for current page rates) <input type="checkbox"/> Quote <input type="checkbox"/> Rough Draft <input type="checkbox"/> Overnight delivery <input type="checkbox"/> Daily delivery <input type="checkbox"/> Expedited delivery (7 days) Due on/before: ____ <input type="checkbox"/> Regular delivery (60 days)	
		Delivery Method (additional fees may apply) <input type="checkbox"/> https://scfiledrop.sc.gov <input type="checkbox"/> Hard Copy/Priority Mail (\$50 + shipping) <input type="checkbox"/> PDF & Hard Copy/Priority Mail (\$50 + shipping)	
		Responsible Payor <input type="checkbox"/> Private / Self <input checked="" type="checkbox"/> Court Appointed Counsel Appeals Attorney _____ Email _____ <input type="checkbox"/> Other	
Next Hearing Date			

Requestor's Signature: Della White

Date: 04/22/2025

(Typed name will serve as signature)

NOTE: Requests will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to **any** party, regardless of indigent status. Please promptly submit your payment in the method of payment requested, in order for the transcript to be produced. In some cases, a deposit may be required before the transcript can be placed in the production queue. You may also request a quote before deciding to order. **If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.**

If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter or transcriptionist. revised 03/2023

Exhibit B

From: [White, Della](#)
To: [Transcripts](#)
Cc: [Delany, Joanna](#); [Mcinnis, Sara](#)
Subject: In the Interest of Terrance Wing, Jr. 2020-JU-07-02234
Date: Tuesday, April 22, 2025 12:17:31 PM
Attachments: Transcript request (Waiver Hearing).PDF

Good afternoon,

Attached is a transcript request for the above case. The Portal would not accept this request, so I am emailing you the it directly.

We will need this transcript EXPEDITED, if possible.

Thank you always for your time.

Della White
SC Commission on Indigent Defense
1330 Lady Street, Suite 401
P.O. Box 11589
Columbia, SC 29201
Office: 803-734-1330

This communication and any attachment thereto is intended only for use by the addressee(s) named herein, and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, utilization, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error please notify the Commission on Indigent Defense immediately and permanently delete the original and any copy of any e-mail and any printout thereof. SCCID may be reached by using the email address of the sender, or at 803-734-1343.

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STATE OF SOUTH CAROLINA
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THE STATE,

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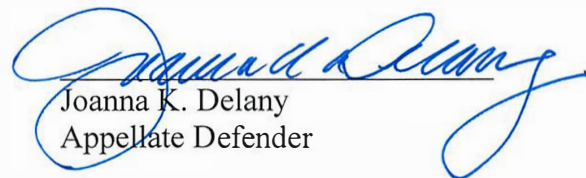
TERRANCE WING,

APPELLANT

APPELLATE CASE NO. 2024-000637

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 Appeal in Abeyance Pending receipt of Outstanding Transcript in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 22nd day of April, 2025.



Joanna K. Delany
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Mcinnis, Sara](#)
To: mbrown@scag.gov
Cc: abennett@scag.gov; [Delany, Joanna](#)
Subject: 2024-000637 The State v. Terrance Wing Motion to Hold Appeal in Abeyance
Date: Tuesday, April 22, 2025 2:54:00 PM
Attachments: 2024-000637 The State v. Terrance Wing Motion to Hold Appeal in Abeyance.pdf

Good Afternoon Ms. Brown,

Attached please find a motion to hold the above-referenced appeal in abeyance, which will be filed with the Court of Appeals today, April 22, 2025, via email filing.

Thank you,

Sara McInnis

Administrative Assistant

South Carolina Commission on Indigent Defense

Appellate Division

(803) 734-1330