

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Kershaw County

G. Thomas Cooper, Jr., Circuit Court Judge

RECEIVED
OCT 21 2013
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

GREGORY SMITH,

APPELLANT

APPELLATE CASE NO. 2012-213666

MOTION TO PLACE CASE IN ABEYANCE

Counsel for Appellant Gregory Smith respectfully requests that the Court place his case in abeyance. In support of this motion counsel shows:

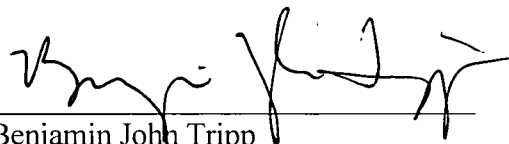
1. The initial brief of appellant and designation of matter in the above case were due to be served and filed Monday, October 14, 2013.
2. Examination of Mr. Smith's direct appeal materials revealed that counsel needs a SLED report in the possession of the circuit court.
3. Trial counsel in the case below requested the report, but the trial judge said he could not make it available until a later date. Counsel for Appellant initially requested the report from the judge's clerk in August. On September 11, the judge informed counsel that the report was available in his office. Counsel is currently working with

the trial judge and Don Zelenka in the Attorney General's office to determine how to secure a copy of the report.

4. On October 10, 2013, counsel for Appellant submitted a letter to the Court requesting that it place the case in abeyance. On October 17, 2013, the Court responded, requesting that counsel file the letter in the form of a motion.
5. Counsel makes this request in good faith and not for purposes of delay.

WHEREFORE, the undersigned counsel respectfully requests that this Court place Appellant's case in abeyance until counsel can secure the SLED report and submit Appellant's initial brief and designation of matter.

Respectfully submitted,



Benjamin John Tripp
Appellate Defender

Attorney for Appellant

October 21, 2013

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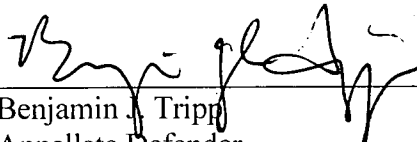
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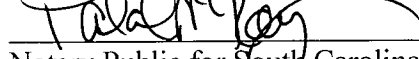
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the motion to place case in abeyance in the above referenced case has been served upon opposing counsel, Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and Gregory Smith, # 00353524 at Lieber Correctional Institution, PO Box 205, Ridgeville, SC 29472, this 21st day of October 2013.


Benjamin J. Tripp
Appellate Defender

Attorney for Petitioner

SUBSCRIBED AND SWORN TO before me
this 21st day of October, 2013.



Notary Public for South Carolina
My Commission Expires: July 24, 2022.