

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

The Honorable Charles J. McCutchen

Appellate Case No. 2025-000705

RECEIVED
Sep 16 2025
SC Court of Appeals

James S. Patton,

Appellant,

v.

Kera R. Selzer and Dustin S. Selzer,

Respondents.

**MOTION TO HOLD APPEAL IN ABEYANCE
PENDING RECEIPT OF TRANSCRIPT**

This matter is before the Court on the undersigned Counsel's Motion to Hold Appeal in Abeyance Pending Receipt of Transcript in the above-captioned case.

On September 30, 2024, Respondents filed a Complaint and Motion for Restraining Order in the Bethel-Kings Mountain Magistrate Court alleging Appellant was engaging in Harassment, First Degree. Following a hearing on November 5, 2024, the Court granted Respondents' motion and issued a restraining order.


Appellant filed a Notice of Intent to Appeal on November 25, 2024, in the Court of Common Pleas. A hearing was held on February 25, 2025, before the Honorable Charles J. McCutchen. On March 12, 2025, Judge McCutchen filed an Order affirming the Magistrate's Restraining Order.

On April 11, 2025, Appellant filed a Notice of Appeal in this court. Appellant requested the transcript of the hearing before the circuit court held on February 25, 2025, from the court reporter on April 28, 2025. Appellant informed this court on July 18, 2025, he received a copy of the transcript.

I, Dayne C. Phillips, Esq., was retained to represent Appellant in the above-captioned case on **August 25, 2025**. After review, it appears the Magistrate hearing held on November 5, 2024, has not been transcribed. I have requested a copy of the audio recording of the hearing and plan to submit the recording for transcription upon receipt.

THEREFORE, Undersigned counsel respectfully requests this Court hold the above-captioned case in abeyance pending receipt of the November 5, 2024, transcript. Counsel also requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending disposition of this motion.

Respectfully Submitted,

s/ Dayne C. Phillips 

Dayne C. Phillips, Esq.

PRICE BENOWITZ LLP

1614 Taylor Street, Suite D.

Columbia, SC 29201

O: 803-272-4503

C: 803-807-0234

F: 803-380-8035

dayne@pricebenowitz.com

ATTORNEY FOR APPELLANT

September 16, 2025

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

The Honorable Charles J. McCutchen

Appellate Case No. 2025-000705

James S. Patton,

Appellant,

v.


Kera R. Selzer and Dustin S. Selzer,

Respondent.

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the within and foregoing Motion to Hold Appeal in Abeyance Pending Receipt of Requested Transcript by emailing and depositing a true and correct copy of the same via first-class mail, postage prepaid, upon all parties as follows:

Creighton Hayes, Hayes and Hayes, LLC, Post Office Box 904, Rock Hill, SC 29731



Courtney Powers

Paralegal

1614 Taylor Street, Suite D.

Columbia, SC 29201

C: (803) 216-5561

F: (803) 380-8035

courtney@pricebenowitz.com

September 16, 2025