

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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NOV 27 2013

Appeal From Charleston County  
Stephanie P. McDonald, Circuit Court Judge

SC Court of Appeals

THE STATE,

Appellant,

vs.

WALTER B. WILDER II,

Respondent.

**MOTION TO HOLD APPEAL IN ABEYANCE PENDING  
ORDER OF SUPPRESSION**

Respondent, through undersigned counsel, would respectfully show this Court as follows:

I.

The Initial Brief of Appellant and Designation of Matter is due to be served and filed on November 27, 2013. This appeal stems from an adverse ruling by the Honorable Stephanie P. McDonald following a hearing held on September 6, 2013. Judge McDonald granted Respondent's motion from the bench to suppress cocaine seized during a search of Respondent's vehicle, but indicated she would issue a written order. Although a written order was not issued, out of an abundance of caution, the Ninth Circuit Solicitor's Office filed a Notice of Appeal on September 13, 2013. As of today's date, it appears Judge

McDonald has not issued a written order on this matter.

II.

Accordingly, the State would move to hold this appeal in abeyance pending Judge McDonald's issuance of an order. In the alternative, the State would request that the case be remanded in order for Judge McDonald to issue her written order. The State would move that this Court hold the State's time for filing its Initial Brief of Appellant and the Designation of Matter in abeyance pending this Court's ruling. The State would further request an additional thirty days to file the Initial Brief of Appellant and Designation of Matter from either the date an order is issued or the date of denial of the State's motion.

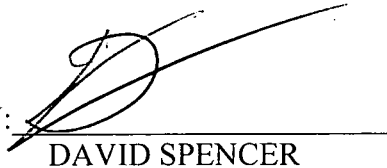
WHEREFORE, The State would request that this Court hold this matter in abeyance pending issuance of a written order, or in the alternative, remand the matter for issuance of the said order. The State would request that this Court hold the time for filing the Initial Brief and Designation of Matter in abeyance pending this Court's ruling and pending the issuance of an order by Judge McDonald and have thirty days from the date of the issuance of said order to file the State's Initial Brief of Appellant and Designation of Matter.

Respectfully submitted,

ALAN WILSON  
Attorney General

DAVID SPENCER  
Senior Assistant Attorney General

BY:



DAVID SPENCER

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR RESPONDENT

November 27, 2013

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED  
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SC Court of Appeals

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Appeal From Charleston County  
Court of General Sessions

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The Honorable Stephanie P. McDonald, Circuit Court Judge  
Appellate Case No. 2013-001950

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THE STATE,

Respondent,

v.

WALTER B. WILDER, II,

Appellant.

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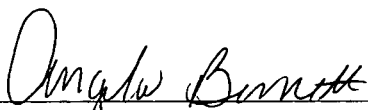
**PROOF OF SERVICE**

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I, Angela Bennett, certify that I have served the Motion to Hold Appeal in Abeyance Pending Order of Suppression on appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney, Edward M. Brown, Esquire, P.O. Box 20261, Charleston, South Carolina 29413

I further certify that all parties required by Rule to be served have been served.

This 27<sup>th</sup> day of November, 2013.

  
\_\_\_\_\_  
ANGELA BENNETT  
Administrative Assistant

Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727



ALAN WILSON  
ATTORNEY GENERAL

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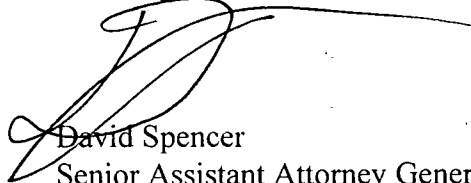
The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211

Re: The State v. Walter B. Wilder, II  
Appellate Case N: 2013-001950

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Motion to Hold Appeal in Abeyance Pending Order of Suppression along with proof of service in the above-referenced case.

Sincerely,



David Spencer  
Senior Assistant Attorney General  
S.C. Bar No: 68571

DS/ab  
Enclosures .

cc: Edward M. Brown, Esquire  
Ms. Trisha Allen