

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Florence County

D. Craig Brown, Circuit Court Judge

RECEIVED

DEC 30 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

BRENDA BRATSCHI,

APPELLANT,

Appellate Case No.: 2012-211980.

**MOTION TO EXTEND AND/OR HOLD IN ABEYANCE PENDING
RECEIPT OF ADDITIONAL TRANSCRIPT**

Respondent, the State, moves this Court to extend and/or hold in abeyance the time in which to file the Initial Brief of Respondent and Designation of Matter because the requested transcript has not been received as of December 30, 2013. In support of the request, undersigned counsel would respectfully show the Court:

1. Counsel has reviewed the trial transcript and has prepared an initial draft. However, counsel is waiting to receive further documentation, the hearing transcript from a *Jackson v. Denno* hearing held April 4, 2012, which was requested August 27, 2013.

2. On August 15, 2013, prior to the start date of Respondent's below-signed counsel

as an Assistant Attorney General,¹ Respondent requested an extension of thirty (30) days in which to file the Initial Brief. The Court granted the request and extended the deadline for the Initial Brief to September 16, 2013.

3. On August 27, 2013, counsel requested the *Jackson v. Denno* transcript.

4. On September 12, 2013, Respondent requested a second extension as counsel had prepared a draft of the Initial Brief but had not received the requested transcript. The Court granted the request and extended the deadline to October 16, 2013.

5. On October 14, 2013, Respondent requested a third extension as counsel had not received the requested transcript. The Court granted the request and extended the deadline to November 15, 2013.

6. On November 5, 2013, counsel received a Supreme Court Notice granting an extension for the court reporter, up to and including November 30, 2013, to prepare and deliver the requested transcript in this case. Thereafter, Respondent filed a Motion to Hold in Abeyance Pending Receipt of Additional Transcript. The Court issued an order directing Respondent to file a brief no later than December 30, 2013.

7. On December 3, 2013, counsel received a Supreme Court Notice granting an extension for the court reporter, up to and including December 31, 2013, to prepare and deliver the requested transcript in this case. As of this date, counsel has not received the transcript.

8. Due to these circumstances, undersigned counsel for Respondent has not been able to complete the initial brief in this appeal.

THEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days from receipt of the additional transcript to complete the Initial Brief

¹ Below-signed counsel's start date was August 19, 2013.

of Respondent and Designation of Matter.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

KAYCIE S. TIMMONS
Assistant Attorney General

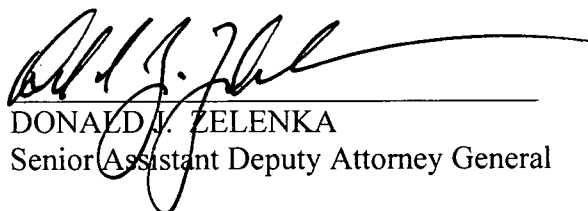
BY: 
KAYCIE S. TIMMONS
S.C. Bar No. 100237

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-0265

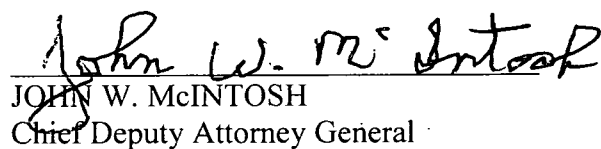
December 30, 2013.
Columbia, South Carolina.

ATTORNEY FOR RESPONDENT

I have reviewed and approved this request.


DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

I have reviewed and approved this request.


JOHN W. McINTOSH
Chief Deputy Attorney General

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Appellate Case No.: 2012-211980.

PROOF OF SERVICE

I, Kaycie S. Timmons, certify that I have served Respondent's Motion to Extend And/Or Hold in Abeyance on counsel for Appellant, by depositing one copy of same in the United States mail, postage prepaid, to counsel for appellant, addressed as follows:

David Alexander, Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

This 30th day of December, 2013.



KAYCIE S. TIMMONS
S.C. Bar No. 100237
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Post Office Box 11549
Columbia, SC 29211
(803) 734-0265

ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

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SC Court of Appeals

December 30, 2013

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

Re: The State v. Brenda Bratschi
Appeal from Florence County
Appellate Case No. 2012-211980

Dear Ms. Kitchings:

Enclosed please find the original and one (1) copy of Respondent's Motion to Extend and/or Hold in Abeyance Pending Receipt of Additional Transcript, dated, together with a Proof of Service in the above-referenced matter.

Thank you for your assistance in this matter. Please call this office if you need any additional information.

Sincerely,

Kaycie S. Timmons
Assistant Attorney General

KST/mv

cc: David Alexander, Appellate Defender