

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Laurens County  
Honorable Eugene C. Griffith, Jr., Circuit Court Judge  
Appellate Case Tracking No. 2012-212013

RECEIVED

JAN 10 2014

Court of Appeals

The State,

Appellant,

vs.

Raymond Franklin,

Respondent.

**MOTION TO EXTEND TIME TO COMPLY WITH TRANSPORTATION  
ORDER; TEMPORARILY ACCEPT SUBSTITUTE CD; AND ACCEPT COPIES  
IN RECORD ON APPEAL**

Appellant, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

Appellant designated several items that were entered as Court Exhibits during the hearing in this case. Court Exhibits 1-6 are paper documents filed with the trial court and Court Exhibit 7 is a CD filed with the trial court. The undersigned received an Order to have the above items transported to the Court of Appeals on January 3, 2014. The Order was filed December 31, 2013, and gave the State 10 days from the file date to have the items transported.

II.

The South Carolina Attorney General's Office has limited resources for transporting exhibits and has one person who is primarily responsible for picking up and

transporting exhibits. She also serves in the Capital Litigation section of the office as a paralegal and is currently involved in a death penalty PCR in Sumter County and is unavailable for transporting any items until at least the end of next week if not the week of January 20.

III.

The State submits Court's Exhibits 1-6 do not need to be transported as they are documents included in the Record on Appeal at pages 64-70. The copies in the Record are clear and do not include any extraneous commentary or notation. As a result, the State asks this Court to accept Court's Exhibits 1-6 as included in the Record on Appeal.

IV.

Further, the State asks this Court for permission to file with the Court a copy of Court's Exhibit 7, the CD of the interviews with Respondent at issue in this case. The State's copy will be on file only until the original can be transported to the Court from Laurens County and made an Exhibit with the Court. Counsel for the State has spoken with Counsel for Respondent and Counsel for Respondent has indicated his consent to admitting the State's copy of Court Exhibit 7 temporarily until the original may be transported. As a result, the State asks this Court to accept the State's copy of Court Exhibit 7 on a temporary basis until the original CD may be transported to the Court.

VI.

Finally, to the extent necessary to accomplish the transportation of the original CD and to comply with any Order issued by this Court in response to this motion, the State asks for an extension of two weeks to transport the original Court Exhibit 7 CD and any other documents this Court requires to be transported to the Court of Appeals. This extension is not for purposes of delay but is made in response to the available resources.

WHEREFORE, Respondent prays that the Court hold this matter in abeyance until ruling on this motion, accept Court Exhibits 1-6 as included in the Record on Appeal; accept the State's copy of Court Exhibit 7 until such time as the original Court Exhibit 7 CD can be transported to the Court of Appeals; to the extent necessary, grant the State a two-week extension to transport the Court Exhibit 7 CD and any documents still required by the Court; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

WILLIAM M. BLITCH, JR.  
Assistant Attorney General

BY: 

William M. Blitch, Jr.  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR RESPONDENT

January 10, 2014

STATE OF SOUTH CAROLINA

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Honorable Eugene C. Griffith, Jr., Circuit Court Judge  
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**SC Court of Appeals**

The State,

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vs.

Raymond Franklin,

Respondent.

**PROOF OF SERVICE**

I, Ellen R. DuBois, certify that I have served the Motion To Extend Time To Comply With Transportation Order; Temporarily Accept Substitute CD; And Accept Copies In Record On Appeal on Respondent by depositing a copy of same in the United States mail, postage prepaid, addressed to:

Matthew P. Turner, Esquire  
Turner & Burney, P.C.  
Post Office Box 668  
Laurens, South Carolina 29360

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

This 10<sup>th</sup> day of January, 2014.

*Ellen R. DuBois*

ELLEN R. DuBOIS  
Office of Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3727



ALAN WILSON  
ATTORNEY GENERAL

January 10, 2014

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

Re: State v. Raymond Franklin  
Appellate Case Tracking No 2012-212013

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of a Motion To Extend Time To Comply With Transportation Order; Temporarily Accept Substitute CD; And Accept Copies In Record On Appeal along with proof of service for filing in the above-referenced appeal.

Sincerely,

William M. Blich, Jr.  
Assistant Attorney General

Enclosures

cc: Matthew P. Turner, Esquire  
Victim Services

**RECEIVED**

JAN 10 2014

**SC Court of Appeals**