

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

**RECEIVED**

Appeal from Spartanburg County  
Honorable J. Derham Cole, Circuit Court Judge  
Appellate Case Tracking No. 20013-000685

JAN 30 2014

**SC Court of Appeals**

The State,

Respondent,

vs.

Jon Roseboro,

Appellant.

**MOTION TO HOLD APPEAL IN ABEYANCE  
PENDING APPELLANT'S RECEIPT OF TRANSCRIPT**

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

I.

While working on the Initial Brief of Respondent and reading the Transcript of trial dated March 21-22, 2013, it came to the undersigned's attention that a hearing was held sometime in early October 2012 before the Honorable Roger L. Couch. The hearing regarding Appellant's motion to dismiss is the subject of the sole issue on appeal in this case. The hearing resulted in an Order dated October 19, 2012. After review of Appellant's designated items and the State's file, and after contacting Appellant's counsel, the undersigned learned the October transcript was never ordered. Appellant's counsel has agreed via email to order the transcript from the October hearing, and he has indicated to the undersigned he would request the transcript from the court reporter.

II.

The undersigned, therefore, asks this Court to hold the appeal in abeyance pending Appellant's request and receipt of the transcript of the October hearing. The undersigned believes the transcript is necessary to a complete record as well as for completion of the Initial Brief of Respondent. The transcript is from the hearing which resulted in the order that is the main subject of Appellant's appeal.

III.

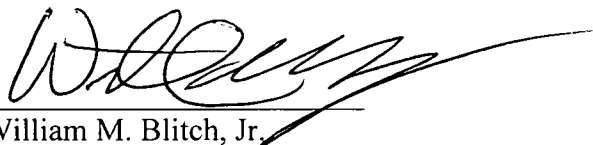
WHEREFORE, Respondent prays that the Court hold this matter in abeyance pending the request and receipt of the October hearing transcript by Appellant; and for such other and further relief as the Court may deem just and proper.

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 30, 2014

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Spartanburg County  
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The State,

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**PROOF OF SERVICE**

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I, Sally Ellison, certify that I have served the Motion to Hold Appeal in Abeyance Pending Appellant's Receipt of Transcript on Appellant by depositing a copy of same in the United States mail, postage prepaid, addressed to:

Benjamin John Tripp, Esquire  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, South Carolina 29211

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

This 30<sup>th</sup> day of January, 2014.



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SALLY ELLISON  
Office of Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3727



ALAN WILSON  
ATTORNEY GENERAL

January 30, 2014

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

Re: State v. Jon Roseboro  
Appellate Case Tracking No. 2013-000685

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of a Motion to Hold Appeal in Abeyance Pending Appellant's Receipt of Transcript along with proof of service for filing in the above-referenced appeal.

Sincerely,

William M. Blich, Jr.  
Assistant Attorney General

Enclosures

cc: Benjamin John Tripp, Esquire  
Victim Services

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JAN 30 2014

**SC Court of Appeals**