

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenwood County
The Honorable Thomas L. Hughston, Jr., Presiding Judge

Appellate Case No: 2014-000980

THE STATE,

Respondent,

vs.

RODNEY LEE ROGERS, SR.,

Appellant.

**MOTION HOLD TIME FOR FILING INITIAL BRIEF OF RESPONDENT AND
DESIGNATION OF MATTER IN ABEYANCE**

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

I.

Appellant was convicted by jury of lewd act upon a minor. On April 17, 2014, Appellant was sentenced by the Honorable Thomas L. Hughston, Jr., to imprisonment for a period of fifteen (15) years suspended upon the service of ten (10) years and probation for five (5) years.

II.

Appellant, through counsel, served notice of appeal on April 28, 2014.

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SC Court of Appeals

III.

Respondent received a copy of a letter dated July 10, 2014, from Appellant to this Court indicating that a transcript had been requested and received and requesting an extension of time to file and serve the Initial Brief of Appellant and Designation of Matter. On July 14, 2014 and upon receiving Appellant's letter indicating the transcript had been requested, counsel for Respondent also requested a copy of the trial transcript. As of this date, Respondent has not yet received the trial transcript or any portion thereof from the court reporter, possibly because Respondent requested the full trial transcript and Appellant ordered only a portion of that transcript.

IV.

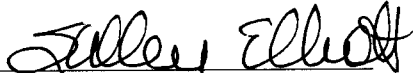
Because Respondent has not yet received the transcript necessary for the appeal, Respondent moves that this Court hold its time for filing and serving its Initial Brief of Respondent and Designation of Matter in abeyance until thirty (30) days after Respondent's receipt of the transcript from the court reporter. Respondent will immediately notify this Court and Appellant when the transcript is received so that the deadline for filing and serving can be recalculated.

WHEREFORE, Respondent respectfully prays that this Court hold the time for filing and serving the Initial Brief of Respondent and Designation of Matter in abeyance until such time as Respondent receives the transcript from the court reporter and for thirty (30) days thereafter and during this Court's disposition of the motion; and for such other and further relief as this Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

BY: 
SALLEY W. ELLIOTT
S.C. Bar No: 1871

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

ATTORNEYS FOR RESPONDENT

August 19, 2014

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenwood County
The Honorable Thomas L. Hughston, Jr., Presiding Judge

Appellate Case No: 2014-000980

THE STATE,

Respondent,

vs.

RODNEY LEE ROGERS, SR.,


Appellant.

PROOF OF SERVICE

I, Angela Bennett, certify that I have served the Motion to Hold Time for Filing Initial Brief of Respondent and Designation of Matter in Abeyance on appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney, O. W. Bannister, P.O. Box 10007, Greenville, South Carolina 29603.

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

This 19th day of August, 2014.



ANGELA BENNETT
Administrative Assistant

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



ALAN WILSON
ATTORNEY GENERAL

July 14, 2014

Stacy Johnson, Court Reporter
125 Firebridge Drive
Chapin, South Carolina 29306

***Re:* State of South Carolina v. Rodney L. Rogers, Sr.
2009-GS-24-1246**

Dear Ms. Johnson:

Please prepare the trial transcript of the above named individual taken on April 17, 2014, before the Honorable Thomas L. Hughston, Jr. for the term of the Court of General Session in Greenwood County.

Please note that the amended Rule 243(f) (3), SCACR, now requires as detailed an index for PCR hearings as for trial transcripts filed in the Supreme Court. The index should include all exhibits. If exhibits were not introduced, then please note that no exhibits were submitted at the hearing.

If the cost of this transcript will exceed \$500, please inform me in writing before you complete the transcript. If you will prepare this transcript and forward it to me along with your statement, I will arrange for payment. Please note that all statements are to be signed.

Sincerely,

Angela Bennett
Administrative Assistant

cc: Desiree R. Allen, Court Administration



ALAN WILSON
ATTORNEY GENERAL

August 19, 2014

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

Re: The State v. Rodney Lee Rogers
Appellate Case No: 2014-000980

Dear Mr. Kitchings:

Enclosed please find the original and six copies of the Motion to Hold Time for Filing Initial Brief of Respondent and Designation of Matter in Abeyance along with proof of service in the above-referenced case.

Sincerely,

Salley W. Elliott
Senior Assistant Deputy Attorney General
S.C. Bar No: 1871

SWE/ab
Enclosures

cc: O.W. Bannister, Esquire
Ms. Trisha Allen

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