

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Sumter County
Honorable William Jeffrey Young, Circuit Court Judge
Appellate Case No. 2013-0001297

RECEIVED

AUG 22 2014

SC Court of Appeals

THE STATE,

Respondent,

vs.

LEROY CLIFTON GIBBS, III,

Appellant.

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

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter is due to be served and filed on August 22, 2014.

II.

On June 18, 2014, the State submitted a request to Melissa R. Singletary for the May 23, 2013 hearing transcript. Respondent already has the June 3-5, 2013 trial transcript; however,

Respondent needs the May 23, 2013 hearing transcript in order to complete the Initial Brief of Respondent and Designation of Matter.

III.

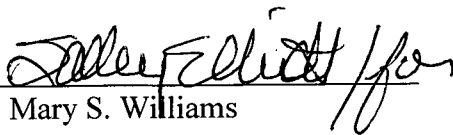
Because the State has not yet obtained a copy of the May 23, 2013 hearing transcript, which is necessary for completion of the Initial Brief of Respondent and Designation of Matter, the State is currently unable to complete the Initial Brief of Respondent and Designation of Matter at this time. Respondent did not realize this transcript was needed until two extensions were granted. Respondent sent a motion on July 23, 2014 to hold time for the Initial Brief of Respondent and Designation of Matter in abeyance pending the receipt of the May 23, 2013 transcript in the above referenced case. That motion was treated as a third extension, and gave respondent thirty more days to complete her brief. Respondent has not received the aforementioned transcript. Accordingly, the State asks this Court to hold the matter in abeyance pending the State's receipt of the requested transcript and asks this Court to allow the State thirty days (30) to complete the Initial Brief of Respondent and Designation of Matter after the requested transcript is received. The undersigned counsel will promptly notify this Court when the requested transcript is received.

WHEREFORE, Respondent prays that the Court will hold the time period for the filing and service of the Initial Brief of Respondent and Designation of Matter in abeyance pending Respondent's receipt of the requested transcript from the court reporter, Melissa R. Singletary; grant Respondent thirty days to prepare, file, and serve the Initial Brief of Respondent and Designation of Matter from the date Respondent receives the requested transcript; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

MARY S. WILLIAMS
Assistant Attorney General
Bar # 76192

By: 
Mary S. Williams

Office of the Attorney General
Post Office Box 11549
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(803) 734-4124

August 22, 2014

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PROOF OF SERVICE

I, Ellen R. DuBois, certify that I have served the within Motion to Hold Time Period for Filing Initial Brief of Respondent and Designation of Matter in Abeyance by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Lara M. Caudy, Esquire
South Carolina Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211-1589

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

This 22rd day of August, 2014.

Ellen R. DuBois

ELLEN R. DuBOIS
Legal Assistant

Office of the Attorney General
Post Office Box 11549

Columbia, SC 29211

(803) 734-3727



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Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

August 22, 2014

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

RE: State v. Leroy Clifton Gibbs, III – Appellate Case No. 2013-0001297

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of the Motion to Hold Time Period for Filing Initial Brief of Respondent and Designation of Matter in Abeyance, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Mary S. Williams
Assistant Attorney General
Bar # 76192

MSW/erd

Enclosures

cc: Lara M. Caudy, Esquire
Victim Services