

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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JAN 26 2015

Appeal From Chesterfield County
The Honorable Paul M. Burch, Circuit Court Judge
Appellate Case No. 2014-000569

SC Court of Appeals

THE STATE,

Respondent,

v.

JULIUS CURRY,

Appellant.

MOTION TO HOLD APPEAL IN ABEYANCE

Respondent State of South Carolina hereby moves to hold the deadlines in the above captioned matter in abeyance pending receipt of additional portions of the trial transcript. The Initial Brief of Respondent is currently due on January 28, 2015. The basis for Respondent's Motion is set forth below.

The issue on appeal involves the admissibility of jail phone call recordings that were played for the jury. The trial transcript provided merely states "an audio recording was played for the jury in open Court" on three occasions, and does not contain transcriptions of the recordings.

Appellant asserts this Court cannot determine if the recordings had any probative value or were unduly prejudicial because the recordings are not in evidence. The State is

currently attempting to verify that the full content of the recordings is contained in the court reporter's audiotape of the trial proceedings, and if so, to obtain a transcript of the recordings and/or a copy of the audiotape for submission to the Court. The undersigned has also contacted the Solicitor's Office to assist in obtaining this information.

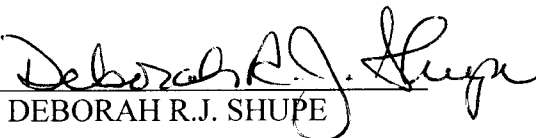
Since the sole issue on appeal relates to the recordings, the State is undertaking reasonable efforts to obtain the content of those recordings for the Court's consideration in this case. Accordingly, Respondent moves to hold all deadlines in this appeal in abeyance pending receipt of the additional portions of the trial transcript and/or a copy of the court reporter's audiotape of the trial proceedings. The undersigned certifies she informed opposing counsel of this motion by telephone and email.

Respectfully submitted,

ALAN WILSON
Attorney General

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General
SC Bar No. 5098

WILLIAM B. ROGERS, JR.
Solicitor, Fourth Judicial Circuit

By: 
DEBORAH R.J. SHUPE

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

ATTORNEYS FOR RESPONDENT

January 26, 2015

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PROOF OF SERVICE

I, Sally B. Ellison, certify I served the Motion to Hold Appeal in Abeyance on Appellant by depositing a copy in the United States mail, postage prepaid, addressed to:

Kathrine H. Hudgins
Assistant Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

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

This 26th day of January, 2015.



SALLY B. ELLISON
Administrative Assistant

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



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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

January 26, 2015

Kathrine H. Hudgins
Assistant Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

Re: The State v. Julius Curry
Appellate Case No. 2014-000569

Dear Ms. Hudgins:

Enclosed is a copy of the Motion to Hold Appeal in Abeyance, with proof of service, in the above-referenced case. This is the Motion we discussed by telephone earlier today.

Sincerely,

Deborah R.J. Shupe
Senior Assistant Deputy Attorney General

DRJS/sbe

Enclosure

cc: The Honorable Jenny A. Kitchings (original and 2 copies enclosed)
Victim Services (with enclosure)

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Hand Delivery

S.C. COURT OF APPEALS

Please return extra copy to AG's Office