

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED

JUL 02 2015

Appeal From Greenville County
The Honorable Robin B. Stilwell, Circuit Court Judge
Appellate Case No. 2014-001181

SC Court of Appeals

IN THE MATTER OF THE CARE AND TREATMENT OF
JEFFREY ALLEN CHAPMAN,

Appellant.

MOTION TO HOLD APPEAL IN ABEYANCE

Respondent hereby moves to hold the above captioned appeal and all deadlines in abeyance pending action by the South Carolina Supreme Court on a pending Motion to Certify. In support of this Motion, Respondent submits the following:

1. After receiving five extensions, Appellant's counsel filed a forty-eight page Initial Brief of Appellant and Designation of Matter on July 1, 2015. At the same time, counsel filed a motion in the South Carolina Supreme Court seeking certification of this case on the grounds he raises a novel issue, and in the alternative, challenges the constitutionality of the South Carolina Sexually Violent Predator Act, S.C. Code §44-48-10 (Supp. 2012), *et seq.*

2. The arguments in Respondent's Initial Brief will necessarily be different if the Supreme Court certifies the case. Therefore, Respondent should not be penalized by having its time to file the initial brief run in this Court while the Supreme Court considers the Motion to Certify, especially after Appellant's counsel had over six months to review

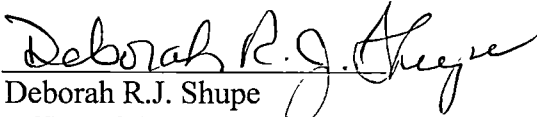
the record, conduct research, and prepare a forty-eight page brief raising eight issues and containing ninety-two citations, many from jurisdictions other than South Carolina.

Based on the foregoing, Respondent respectfully asks this Court to hold the appeal and all time lines in abeyance pending a ruling on this motion and action by the Supreme Court on the pending Motion to Certify.

Respectfully submitted,

ALAN WILSON
Attorney General

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General

BY: 
Deborah R.J. Shupe
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3797

ATTORNEYS FOR RESPONDENT

July 2, 2015

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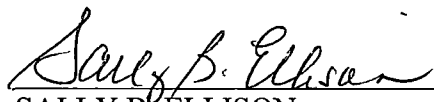
PROOF OF SERVICE

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

David Alexander
Assistant Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, South Carolina 29211-1589

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

This 2nd day of July, 2015.



SALLY B. ELLISON
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-4156



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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

July 2, 2015

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: In the Matter of the Care and Treatment of Jeffrey Allen Chapman
Appellate Case No. 2014-001181

Dear Ms. Kitchings:

Enclosed for filing are the original and seven (7) copies of a Motion to Hold Appeal in Abeyance, with proof of service, in the above-referenced appeal.

Sincerely,

Deborah R.J. Shupe
Senior Assistant Deputy Attorney General

DRJS/sbe
Enclosures

cc: David Alexander (w/ enclosure)
Victim Services (w/ enclosure)

Hand Delivery

S.C. COURT OF APPEALS

Please return extra copy to AG's Office