

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

ORIGINAL

Appeal from York County

John C. Hayes, III, Circuit Court Judge

THE STATE,

RESPONDENT,

RECEIVED

AUG 29 2012

SC Court of Appeals

V.

HARRY ANTHONY,

APPELLANT

MOTION TO HOLD APPEAL IN ABEYANCE

Counsel for appellant moves the Court to hold this case in abeyance pending receipt of a transcript from a prior hearing. In support of this request, counsel shows:

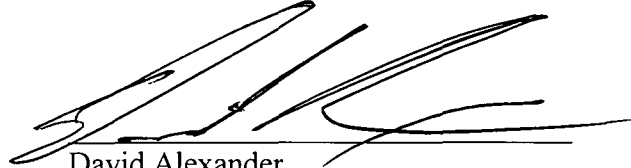
(1) The initial brief of appellant and designation of matter in the above-referenced case is due to be filed and served with the Court today.

(2) After conferring with the appellant and reviewing the file, counsel realized there was a previous interlocutory appeal. According to an order dated December 4, 2007, there was a hearing, however, counsel has been unable to determine what date the missing hearing was held. Appellant's attorney during this portion of the proceedings is deceased. Counsel has spoken with Salley Elliott at the Attorney General's office who is searching her files to provide counsel with a hearing date. Ms. Elliott consents to appellant's motion.

(3) A request for the missing transcript will be made as soon as counsel determines the date of the hearing.

For the foregoing reasons, counsel requests that this appeal be held in abeyance pending receipt of the hearing transcript.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David Alexander', written over a horizontal line.

David Alexander
Appellate Defender

Attorney for Petitioner

This 29th day of August, 2012

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THE STATE,

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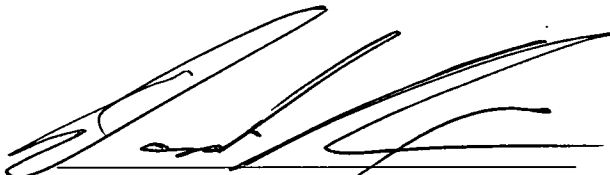
V.

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CERTIFICATE OF SERVICE

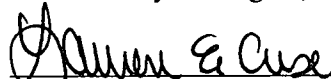
The undersigned attorney hereby certifies that a true copy of the motion to hold appeal in abeyance in the above referenced case has been served upon opposing counsel, Salley Elliott, this 29th day of August, 2012.



David Alexander
Appellate Defender

Attorney for Appellant

SUBSCRIBED AND SWORN TO before me
this 29th day of August, 2012.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: August 23, 2014