

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal From Richland County
The Honorable Alison Renee Lee, Circuit Court Judge SEP 01 2015
Appellate Case No. 2014-001959

RECEIVED

SC Court of Appeals

IN THE MATTER OF THE CARE AND TREATMENT OF
DAQUAN JOHNSON,

Appellant.

MOTION TO HOLD APPEAL IN ABEYANCE

Respondent State of South Carolina hereby moves to hold the above captioned appeal and all deadlines in abeyance pending action by the South Carolina Supreme Court in the case of In the Matter of the Care and Treatment of Jeffrey Allen Chapman, Appellate Case No. 2014-001181. In support of this Motion, Respondent submits the following:

1. The Supreme Court recently certified Chapman on motion of the same appellate counsel (David Alexander, Assistant Appellate Defender) appearing in this appeal on behalf of Appellant Daquan Johnson. The legal issues in Chapman are whether there is a right to effective assistance of counsel in sexual predator cases, and if so, the appropriate procedure to address ineffective assistance of counsel allegations. The issues raised in the Initial Brief of Appellant in this case are virtually **identical**, and any opinion issued by the Supreme Court in Chapman will directly impact this appeal, including whether it is even viable as presented.

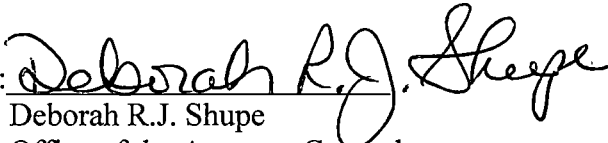
2. If this appeal is not held in abeyance, the Court could potentially issue an opinion subsequently rendered completely erroneous by the decision in Chapman. Further, the Supreme Court's decision in Chapman will necessarily impact Respondent's arguments in this appeal. Therefore, in the interest of judicial economy, this appeal should be held in abeyance pending resolution of Chapman in the Supreme Court.

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

Respectfully submitted,

ALAN WILSON
Attorney General

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General

BY: 
Deborah R.J. Shupe
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ATTORNEYS FOR RESPONDENT

September 1, 2015

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Appellant.

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 all parties required by Rule to be served have been served.

This 1st day of September, 2015.



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



ALAN WILSON
ATTORNEY GENERAL

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SC Court of Appeals

September 1, 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 Daquan Johnson
Appellate Case No. 2014-001959

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)