

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County
Honorable G. Thomas Cooper, Circuit Court Judge
Appellate Case Tracking No. 2014-002358

RECEIVED

SEP 28 2015

SC Court of Appeals

The State,

Respondent,

vs.

John Henry Dial, Jr.,

Appellant.

**MOTION TO HOLD IN ABEYANCE
PENDING RECEIPT OF TRANSCRIPT**

Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

In preparing Respondent's Initial Brief, it was determined our office never requested a copy of the transcript from the circuit court appeal hearing. The office has a copy of the transcript of the trial before magistrate court, and the undersigned mistakenly believed this was the only required transcript. The transcript from the circuit court is necessary for the completion of the Initial Brief of Respondent.

II.

The undersigned has requested a copy of the transcript be provided by the Court Reporter. A copy of the letter requesting is attached.

III.

This motion is not intended for purposes of delay, but rather to ensure the Brief is properly researched and prepared. I would, therefore, request this Court hold this appeal

in abeyance pending receipt of the necessary transcript. The request has been made and the undersigned will notify the Court immediately upon receipt from the Court Reporter.

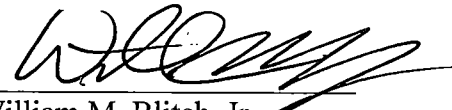
WHEREFORE, Respondent prays that the Court hold this matter in abeyance pending receipt of the circuit court transcript necessary for completion of the Initial Brief of Respondent; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

WILLIAM M. BLITCH, JR.
Assistant Attorney General

BY:



William M. Blitch, Jr.
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

September 28, 2015



RECEIVED

SEP 28 2015

SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

September 28, 2015

Keisha T. Reed, Court Reporter
P.O. Box 12190
Florence, South Carolina 29504-2190

Re: The State v. John Henry Dial, Jr.
2011-CP-40-02877

Dear Ms. Reed:

Please provide me with a copy of the circuit court hearing transcripts for the above named individual taken on or about January 17, 2014 before the Honorable G. Thomas Cooper, for the term of the Court of Common Pleas in Richland County. I believe a transcript has already been prepared for Mr. Dial's counsel, Robert W. Mills.

Please note that the amended Rule 243(f) (3), SCACR, now requires as detailed an index for PCR hearings as for trial transcripts filed in the Supreme Court. The index should include all exhibits. If exhibits were not introduced, then please note that no exhibits were submitted at the hearing.

If the cost of this transcript will exceed \$500, please inform me in writing before you complete the transcript. If you will prepare the copy of this transcript and forward it to me along with your statement, I will arrange for payment. Please note that all statements are to be signed.

Sincerely,

William M. Blich, Jr.
Assistant Attorney General

cc: Desiree R. Allen, Court Administration
Robert W. Mills

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

SEP 28 2015

SC Court of Appeals

Appeal from Richland County
Honorable G. Thomas Cooper, Circuit Court Judge
Appellate Case Tracking No. 2014-002358

The State,

Respondent,

vs.

John Henry Dial, Jr.,

Appellant.

PROOF OF SERVICE

I, Angela Bennett, certify that I have served the Motion to Hold Appeal in Abeyance Pending Receipt of Transcript on Appellant by depositing a copy of same in the United States mail, postage prepaid, addressed to:

Robert W. Mills, Esquire
1728 Main Street
Columbia, South Carolina 29201

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

This 28th day of September, 2015.



ANGELA BENNETT
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727



RECEIVED

SEP 28 2015

SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

September 28, 2015

VIA HAND DELIVERY

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

Re: State v. John Henry Dial, Jr.
Appellate Case Tracking No. 2014-002483

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of a Motion to Hold Appeal in Abeyance Pending Receipt of Transcript along with proof of service for filing in the above-referenced appeal.

Sincerely,

William M. Blitch, Jr.
Assistant Attorney General

Enclosures

cc: Robert W. Mills, Esquire
Victim Services