

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Sumter County

Maite Murphy, Circuit Court Judge

RECEIVED

FEB 04 2016

SC Court of Appeals
RESPONDENT

THE STATE,

V.

ROBERT WILLIAM WAZNEY,

APPELLANT

APPELLATE CASE NO. 2015-000884

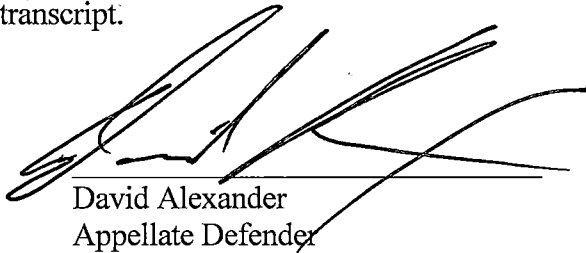
MOTION TO HOLD APPEAL IN ABEYANCE

Counsel for appellant moves the Court to hold this case in abeyance pending receipt of a transcript from a prior trial. 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 on February 8, 2016.
- (2) Appellant's case was tried before the Honorable Maite D. Murphy and a jury on April 13, 2015. Appellant was convicted on four counts of second degree criminal sexual conduct with a minor and sentenced to eighty years' imprisonment.

- (3) Previously, appellant's case was tried before the Honorable R. Ferrell Cothran, Jr. during the March 23, 2015, term of court. This trial resulted in a mistrial being granted for the State.
- (4) In Appellate Defense's initial review of this case and in consultation with trial counsel, it was initially determined that the transcript of the mistrial was not necessary.
- (5) Counsel for appellant was assigned the case and has now read the entire trial transcript. After reading the transcript and upon further investigation with trial counsel, it appears that a motion regarding the double jeopardy clause was made at the time of the granting of the mistrial. Counsel therefore believes that the transcript for the mistrial is necessary to fully review and prepare appellant's case and to ensure that no possible viable appellate issue is missed.
- (6) As shown by the attached letter, counsel has ordered the transcript at issue from the court reporter.

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



David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT

February 4, 2016

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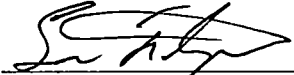
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Motion to Hold Time Limits in Abeyance in the above referenced case has been served upon Benjamin Aplin, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 4th day of February, 2016.


David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 4th day of February, 2016.



(L.S.)
Notary Public for South Carolina
My Commission Expires: October 30, 2023.