

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Chester County

Brian M. Gibbons, Circuit Court Judge

ORIGINAL

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FEB 11 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

BOBBY RANDOLPH SIMS,

APPELLANT

APPELLATE CASE NO. 2015-000721

MOTION TO HOLD APPEAL IN ABEYANCE

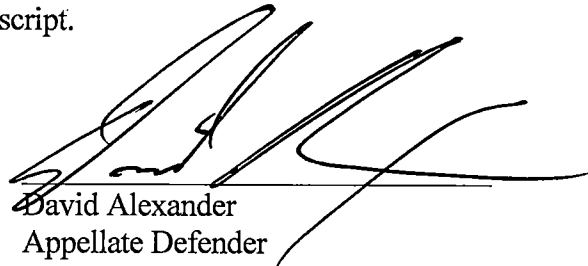
Counsel for appellant moves the Court to hold this case in abeyance pending receipt of a transcript from a hearing. In support of this request, counsel shows:

- (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 on February 16, 2016.
- (2) On January 15, 2015, an immunity hearing pursuant to the Protection of Persons and Property Act was held before the Honorable Brian M. Gibbons, which was taken under advisement.
- (3) Upon further inquiry, appellate counsel learned that Judge Gibbons ruled from the bench on the immunity issue at a later date. Appellate counsel is in

the process of determining the exact date of Judge Gibbons' ruling and will order the transcript of his ruling as soon as the date can be determined.

- (4) Counsel believes that the transcript of Judge Gibbons' ruling and any arguments of counsel are necessary to fully review and prepare appellant's case and to ensure that no possible viable appellate issue is missed.
- (5) Counsel will forward to this Court its letter ordering the missing transcript as soon as the date can be determined.

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 11, 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 11th day of February, 2016.


David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 11th day of February, 2016.


(L.S.)
Notary Public for South Carolina
My Commission Expires: July 3, 2023.