

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Saluda County

J. Michael Baxley, Circuit Court Judge

RECEIVED

MAY 20 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

GERALD RUDELL WILLIAMS,

APPELLANT

APPELLATE CASE NO. 2013-002304

**RETURN TO RESPONDENT'S MOTION TO HOLD
APPEAL IN ABEYANCE**

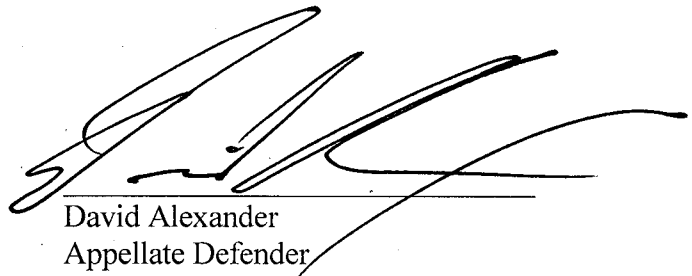
The State asks this Court to hold this appeal in abeyance until the Supreme Court decides State v. King, 412 S.C. 403, 772 S.E.2d 189 (Ct. App. 2015). Appellant opposes the State's motion. The sole reason for delay is that the Supreme Court's decision in King may change the outcome of this case.

The common law evolves and changes every day. In nearly every case this Court decides, new law could affect the outcome. The fact that a case is pending at the Supreme Court that may affect this appeal does not distinguish appellant's case from most other cases decided by this Court. If the Supreme Court decides King while this appeal is pending, counsel for the State or Appellant will likely submit the Supreme Court's decision as

additional authority. The State is certainly free to make alternative arguments in its brief that take the range of outcomes at the Supreme Court into account.

Furthermore, it is unknown when (or if) the Supreme Court will render a decision in King. The Supreme Court may dismiss the writ as improvidently granted. If the Supreme Court dismisses the writ, the delay sought by the State will have served no purpose. Meanwhile, appellant will continue serving his sentence of imprisonment.

WHEREFORE, appellant asks that the State's motion to hold this appeal in abeyance be denied.



David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT

May 20, 2016

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Saluda County
J. Michael Baxley, Circuit Court Judge

RECEIVED

MAY 20 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

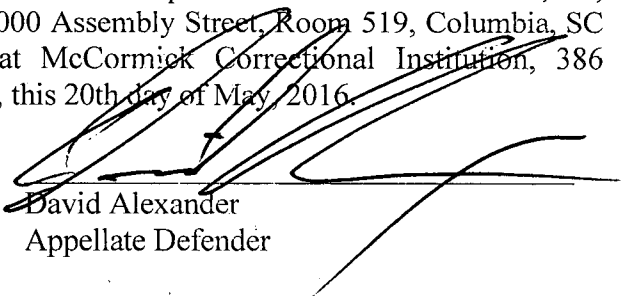
GERALD RUDELL WILLIAMS,

APPELLANT

APPELLATE CASE NO. 2013-002304


CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Return to the Respondent's Motion to Hold Appeal in Abeyance Pending Resolution of Issue by Supreme Court in the above referenced case has been served upon William F. Schumacher, IV, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and Gerald Williams, #279073, at McCormick Correctional Institution, 386 Redemption Way, McCormick, SC 29899, this 20th day of May, 2016.


David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 20th day of May, 2016.

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