

RECEIVED
MAR 02 2017
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Pickens County
Honorable Perry H. Gravely, Circuit Court Judge
Appellate Case No. 2016-000243

THE STATE,

Respondent,

vs.

STACY CAROL RIDEN,

Appellant.

**MOTION TO HOLD
APPEAL IN ABEYANCE**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

In 2014, Appellant Stacy Carol Riden was arrested following an investigation into allegations she and an accomplice, Aaron Van Hendrix, sexually abused her three minor children. In April of 2015, Riden was indicted by the Pickens County Grand Jury for two counts of first-degree criminal sexual conduct with a minor, one count of third-degree criminal sexual conduct with a minor, and one count of unlawful conduct towards a child. Similarly, Hendrix was indicted for two counts of first-degree criminal sexual conduct with a minor and one count of third-degree criminal sexual conduct with a minor. On January 25, 2016, Riden was brought to trial with her co-defendant, Hendrix, in the Pickens County Court of General Sessions, and the

RECEIVED

MAR 02 2011

SC Court of Appeals

IN RE: [Illegible]
[Illegible]
[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

Honorable Perry H. Gravely, circuit court judge, presided over the trial. During trial, four separate recordings of forensic interviews involving two of Riden's children were admitted into evidence, and portions of those recordings were played for the jury while other portions were redacted by the solicitor. Subsequently, at the conclusion of trial, the jury convicted Riden and Hendrix as charged, and the trial judge sentenced Riden to an aggregate term of imprisonment of thirty-five years and Hendrix to an aggregate term of imprisonment of thirty-seven years. Thereafter, Riden and Hendrix both timely appealed their convictions to this Court.

II.

In the case sub judice, Riden filed an Initial Brief of Appellant and Designation of Matter on October 17, 2016. At present, the State's Initial Brief of Respondent and Designation of Matter is due to be served and filed on March 6, 2017.

III.

One of the issues raised in Riden's appellate brief directly relates to the forensic interview recordings that were admitted into evidence during trial and played for the jury. Notably, the physical exhibits used during trial to show the recordings of the forensic interviews to the jury depict the entirety of each forensic interview even though the parties agreed to redact some portions of the interviews and the trial judge directed the parties to redact other portions of the interviews on which the parties could not reach an agreement. Due to technical difficulties, the recordings were redacted during trial by the solicitor stopping the recordings from playing before the jury during the portions that needed to be redacted and restarting the recordings for the portions that were not found to require redaction. In light of the fact the recordings were redacted in that manner, it is not entirely clear from the transcript of the proceedings at which specific points the solicitor started and stopped the forensic interview recordings.

IV.

Because the forensic interview recordings are significant to the issues raised in Riden's appeal and it is not clear from the transcript of the proceedings when the solicitor specifically started and the stopped the recordings when they were played during trial, undersigned counsel for the State believes it is necessary to clarify for the appellate record what specific portions of the forensic interview recordings were actually played for the jury in order for the State's initial brief to be properly and thoroughly prepared. In order for the matter to be clarified, undersigned counsel will need to consult with counsel from trial in an effort to determine what was played. For that reason, undersigned counsel believes it is necessary for the matter to be held in abeyance to allow for that consultation to occur. Currently, this Court has issued an order holding the appeal of Riden's co-defendant, Hendrix, in abeyance to allow the parties an opportunity to ascertain with specificity the portions of the forensic interview recordings that were and were not played for the jury during trial, and steps are already being taken to determine what portions of the recordings were specifically redacted during trial. At present, undersigned counsel for the State has consulted with the solicitor in an attempt to obtain specific information related to the redactions to the forensic interview recordings and is working with Hendrix's appellate counsel to resolve the matter as expeditiously as possible.

V.

For the foregoing reasons, the State asks this Court to hold Riden's appeal in abeyance like Hendrix's appeal to allow appellate counsel to attempt to resolve the issue of what material was specifically redacted from the forensic interview recordings presented to the jury without the necessity of remanding the matter to the circuit court for reconstruction of the record. Undersigned counsel for the State certifies he has contacted and spoken with appellate counsel

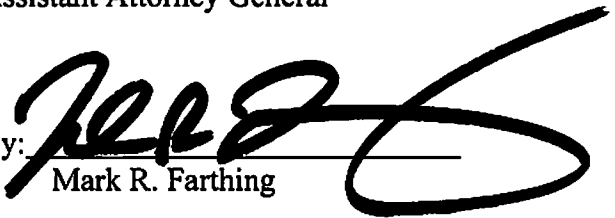
for Riden in regard to this matter, and Riden's appellate counsel has indicated she has no objection to the State's request for the matter to be held in abeyance.

WHEREFORE, Respondent prays the Court hold this appeal in abeyance pending resolution of the issue related to the redactions made to exhibits introduced during trial; hold the matter in abeyance pending a ruling on Respondent's motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Assistant Attorney General

By: 
Mark R. Farthing

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

March 2, 2017

RECEIVED
MAR 02 2017
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Pickens County
Honorable Perry H. Gravely, Circuit Court Judge
Appellate Case No. 2016-000243

THE STATE,

Respondent,

vs.

STACY CAROL RIDEN,

Appellant.

PROOF OF SERVICE

I, Mark R. Farthing, certify that I have served the within Motion to Hold Appeal in Abeyance Pending Receipt of Transcripts from Circuit Court Proceedings on Appellant by sending two copies of the same to:

Laura R. Baer, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 2nd day of March, 2017.


MARK R. FARTHING
Assistant Attorney General
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

RECEIVED

MAR 05 2011

SC Court of Appeals

Handwritten signature or initials