

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Richland County  
The Honorable William P. Keesley, Circuit Court Judge

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The State of South Carolina,

Respondent,

vs.

Kevin Lamar Gary,

Appellant.

Appellate Case No. 2016-001603

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**MOTION FOR ISSUANCE  
OF ORDER OF TRANSPORTATION  
AND MOTION TO HOLD TIMELINES  
IN ABEYANCE**

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Respondent now moves for this Court to issue an Order of Transportation for (1) State's Exhibits 1-32 (photographs), (2) State's Exhibit 37 (recording of jail phone call), and State's Exhibit 40 (statement of defendant), that are necessary to review in order to complete the Respondent's brief. Respondent also now moves to hold all due dates in abeyance pending this Court's issuance of the order:

I.

Respondent will need to review the exhibits prior to completing briefing in this case as the evidence is relevant to the analysis of the issues raised on appeal.

II.

Respondent also moves to hold the time-lines in abeyance until this Court rules on the State's motion. Concomitantly with this motion, Respondent is also filing a separate motion to hold the matter in abeyance pending the Supreme Court's decision on the petition for rehearing in State v. Beaty, Op. No. 2015-00718 (S.C. Sup. Ct. filed December 29, 2016). Accordingly, this request is made in the event the State's other motion is denied.

III.

WHEREFORE, Respondent prays that this Court issue an Order of Transportation and hold the filing deadlines in abeyance pending resolution of this motion; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

DAVID SPENCER  
Senior Assistant Attorney General

BY: 

DAVID SPENCER

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

ATTORNEYS FOR RESPONDENT

July 25, 2017

Respectfully submitted,

ALAN WILSON  
Attorney General

DAVID SPENCER  
Senior Assistant Attorney General

BY: 

\_\_\_\_\_  
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ATTORNEYS FOR RESPONDENT

July 25, 2017

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal From Richland County  
The Honorable William P. Keeseeley, Circuit Court Judge

Appellate Case No: 2016-001603

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THE STATE,

Respondent,

v.

KEVIN LAMAR GARY,

Appellant.

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**PROOF OF SERVICE**

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I, Anne Mueller, certify that I have served the Motion for Issuance of Order of Transportation and Motion to Hold Time Limits in Abeyance on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney of record Laura R. Baer, Esquire, S.C. Commission on Indigent Defense, Division of Appellate Defense, Post Office Box 11589, Columbia, South Carolina 29211-1589.

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

This 25<sup>th</sup> day of July, 2017.



Anne A. Mueller  
Legal Assistant  
Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727



ALAN WILSON  
ATTORNEY GENERAL

July 25, 2017

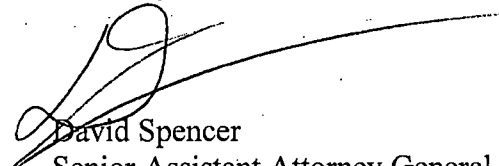
The Honorable Jenny Abbott Kitchings  
Clerk of Court, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29201

**Re: The State v. Kevin Lamar Gary**  
**Appellate Case No: 2016-001603**

Dear Ms. Kitchings:

Enclosed please find an original and six (6) copies of the Motion for Issuance of Order of Transportation and Motion to Hold Time Limits in Abeyance, including proof of service, in the above-referenced case.

Sincerely,

  
David Spencer  
Senior Assistant Attorney General  
S.C. Bar No: 15608

DS/aam  
Enclosures

cc: Laura R. Baer (with two copies)  
Ms. Trisha Allen