

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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ORIGINAL

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

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RECEIVED

AUG 02 2017

SC Court of Appeals  
RESPONDENT,

THE STATE,

V.

KEVIN LAMAR GARY,

APPELLANT

APPELLATE CASE NO. 2016-001603

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

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The State filed a motion to hold this appeal in abeyance pending a final disposition by the Supreme Court in State v. Beaty, Op. No. 2015-000718, 2016 WL 7474479 (S.C. Dec. 29, 2016), *rehearing granted* (Mar. 24, 2017). In opposition to the State's motion, Appellant respectfully states:

The South Carolina Supreme Court has no deadline for releasing its amended opinion, if any, in Beaty, *supra*. As appellate counsel for Appellant Kevin Lamar Gary, I respectfully cannot consent to the request for an abeyance for an indeterminate period. ✓

WHEREFORE, the undersigned counsel leaves this matter to the sound discretion of this Court.

Respectfully submitted,



Laura R. Baer  
Appellate Defender

South Carolina Commission on  
Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589  
(803) 734-1330

August 2, 2017

ATTORNEY FOR APPELLANT

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THE STATE,

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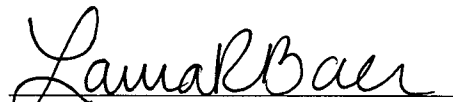
APPELLANT

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CERTIFICATE OF SERVICE

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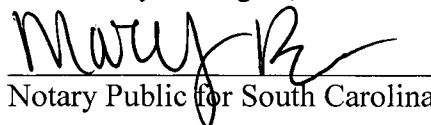
I certify that a copy of the Opposition to Respondent's Motion to Hold Appeal in Abeyance in the above referenced case has been served upon David Spencer, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 2<sup>nd</sup> day of August, 2017.



Laura R. Baer  
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me  
this 2<sup>nd</sup> day of August, 2017.

 (L.S.)  
Notary Public for South Carolina

My Commission Expires: May 12, 2027