

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Laurens County
Honorable Donald B. Hocker, Circuit Court Judge

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SC Court of Appeals
RESPONDENT,

THE STATE,

V.

PATRICK O'NEIL MCGOWAN,

APPELLANT

APPELLATE CASE NO. 2016-001220

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

The State filed a motion to hold the time for filing the initial brief of respondent and designation of matter in abeyance pending a final disposition by the Supreme Court in State v. King, 412 S.C. 403, 772 S.E.2d 189 (Ct. App. 2015), *cert granted* (Mar. 28, 2016), *argued* (Sept. 7, 2016). In opposition to the State's motion, Appellant respectfully states:

The South Carolina Supreme Court has no deadline for releasing its opinion, if any, in King, *supra*. As appellate counsel for Appellant Patrick O'Neil McGowan, 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,

A handwritten signature in cursive script that reads "Laura R. Baer". The signature is written in black ink and is positioned above a horizontal line.

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

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Laurens County
Honorable Donald B. Hocker, Circuit Court Judge

THE STATE,

RESPONDENT,

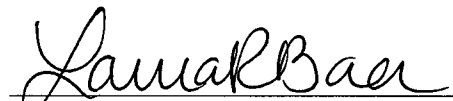
V.

PATRICK O'NEIL MCGOWAN,

APPELLANT

CERTIFICATE OF SERVICE

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 William F. Schumacher, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 2nd day of August, 2017.



Laura R. Baer
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 2nd day of August, 2017.



(L.S.)

Notary Public for South Carolina

My Commission Expires: May 12, 2027



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

August 2, 2017

The Honorable Jenny Kitchings
Clerk of Court, South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

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SC Court of Appeals

Dear Ms. Kitchings:

Enclosed please find an original and six copies of the Opposition to Respondent's Motion to Hold Appeal in Abeyance, along with proof of service, in the above-referenced case.

Sincerely,

Laura R. Baer
Appellate Defender

LRB/meb

cc: William F. Schumacher, Esquire (with two copies)