

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
JAN 31 2018
SC Court of Appeals

Appeal from Greenville County
Honorable Brian M. Gibbons, Circuit Court Judge

THE STATE,

Respondent,

vs.

BRIAN WILLIE LEWIS,

Appellant.

Appellate Case No. 2017-000482

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

Respondent now moves for this Court to issue an Order of Transportation for (1) State's Exhibit No. 53 (DVD, redacted interview with defendant) and (2) Court's Exhibit No. 1 (DVD, un-redacted interview with 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.

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

January 31, 2018

STATE OF SOUTH CAROLINA

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The Honorable Brian M. Gibbons, Circuit Court Judge

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Appellant.

PROOF OF SERVICE

I, Anne Mueller, certify that I have served the within Motion for Issuance of Order of Transportation and Motion to Hold Timelines in Abeyance on Appellant by delivering 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, South Carolina 29211-1589.

I further certify that all parties required by Rule to be served have been served.
This 31st day of January, 2018.

Anne Mueller

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



ALAN WILSON
ATTORNEY GENERAL

January 31, 2018

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

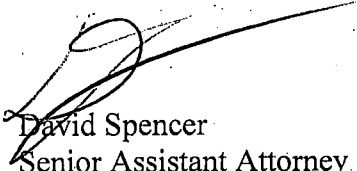
RECEIVED
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Re: The State v. Brian Willie Lewis
Appellate Case No: 2017-000482

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 Timelines in Abeyance, including proof of service, in the above-referenced case.

Sincerely,


David Spencer
Senior Assistant Attorney General
S.C. Bar No: 68571

DS/aam
Enclosures

cc: Laura R. Baer (with two copies)
Victim Advocacy Division