

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Greenville County  
The Honorable Donald B. Hocker, Circuit Court Judge  
\_\_\_\_\_

**RECEIVED**  
FEB 01 2018  
SC Court of Appeals

THE STATE,

Respondent,

vs.

GABRIEL BETANCOURT, JR.,

Appellant.

Appellate Case No. 2017-001016

\_\_\_\_\_  
**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. 3 (DVD, unredacted forensic interview of the victim) and (2) State's Exhibit No. 3A (DVD, redacted interview with the victim) 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

February 1, 2018

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal From Greenville County  
Honorable Donald B. Hocker, Circuit Court Judge

Appellate Case No: 2017-001016

**RECEIVED**  
FEB 01 2018  
SC Court of Appeals

THE STATE.

Respondent,

vs.

GABRIEL BETANCOURT, JR.,

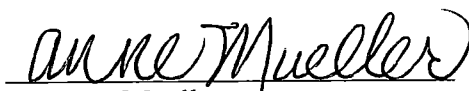
Appellant.

**PROOF OF SERVICE**

I, Anne Mueller, certify that I have served the Motion for Issuance of Order of Transportation and Motion to Hold Timelines in Abeyance on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney of record, William G. Yarborough, III, Esquire, 522 North Church Street, Greenville, South Carolina 29601.

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

This 1<sup>st</sup> day of February, 2018.



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



ALAN WILSON  
ATTORNEY GENERAL

February 1, 2018

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

**RECEIVED**  
FEB 01 2018  
SC Court of Appeals

**Re: The State v. Gabriel Betancourt, Jr.**  
**Appellate Case No: 2017-001016**

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: William G. Yarborough, III, Esquire (with two copies)  
Victim Advocacy Division