

**RECEIVED**  
JUN 21 2018  
SC Court of Appeals  
 **ORIGINAL**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Lancaster County

Honorable Roger E. Henderson, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

V.

GUADALUPE GUZMAN MORALES,

APPELLANT.

APPELLATE CASE NO. 2017-001796  
\_\_\_\_\_

**MOTION TO HOLD APPEAL IN ABEYANCE**  
\_\_\_\_\_

Appellant Guadalupe Guzman Morales, through undersigned counsel, moves this Court to place the deadline for filing the initial brief of appellant and designation of matter in abeyance pending receipt of a transcript of pre-trial hearings. Counsel for appellant states the following in support of this motion:

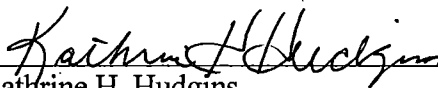
1. The initial brief and designation were due to be filed on Friday, June 8, 2018. This Court has granted four previous extensions of time in which to file the initial brief and designation.

2. On June 6, 2018, counsel sent a letter to the Court indicating that counsel just discovered that she did not have a pre-trial hearing transcript from July 26, 2017.

When initially requesting transcripts the office of Appellate Defense was unaware that a pre-trial hearing took place on July 26, 2017. Counsel requested the transcript and asked this Court to hold filing deadlines in abeyance pending receipt of the transcript. A copy of the letter and the transcript request are attached and made a part of this motion.

3. On June 14, 2018, the Court asked that counsel file a formal motion to hold the case in abeyance pending receipt of the transcript.

Based on the above factors counsel for Appellant Guadalupe Guzman Morales respectfully asks this Court to place the deadlines for this case in abeyance pending receipt of the transcript from the pre-trial hearing held on July 26, 2017.

  
Kathrine H. Hudgins  
Appellate Defender

ATTORNEY FOR APPELLANT

This 21st day of June, 2018.



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

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

June 6, 2018

The Honorable Jenny Abbott Kitchings  
Clerk, S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: State of South Carolina v. Guadalupe Guzman Morales

Dear Ms. Kitchings:

In reviewing the above file, I discovered I am missing the July 26, 2017, pre-trial hearing which was held before the Honorable Roger E. Henderson in Chesterfield County. When initially requesting transcripts, my office was unaware that a pre-trial hearing took place on July 26, 2017. This transcript is being requested today from the court reporter. A copy of that transcript request is attached to this letter.

I respectfully request the time allowed for filing my initial brief of appellant be held in abeyance pending receipt of this transcript.

Please let me know if you have any questions.

Sincerely,

Kathrine Hudgins  
Appellate Defender

KHH/lms

Enclosure

cc: J. Benjamin Aplin, Esquire



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

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Telephone: (803) 734-1330  
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Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

June 6, 2018

Ms. Lisa Carter  
Circuit Court Reporter  
P.O. Box 1134  
Darlington, SC 29540

Dear Ms. Carter:

Please provide us with the following transcript:

State of South Carolina v. <b>Guadalupe Guzman Morales</b>	<u>Case #:</u> 2016-
Appellate Case No. 2017-001796	GS-29-00559;
<u>County:</u> Chesterfield	2016-GS-29-
<u>Presiding Judge:</u> Roger E. Henderson	00564 and
	2016-GS-29-
	00565

Date of Trial: July 26, 2017


Pursuant to the SC Court Reporter's Manual, please number the lines on the paper from 1-25 and include any and all recorded motions (pretrial and post-trial). Consecutive numbering of pages must be used throughout all volumes regardless of the number of volumes involved. Additionally, please transcribe the **jury selection** and the State and defense counsel's **opening and closing arguments** and include the **jury strike sheet**. Please be sure to include **headers** and a **complete index** including a **listing of exhibits**.

If you are aware of any co-defendants, additional transcripts, or if the Attorney General's Office has already requested a transcript, please let us know.

SCCID prefers that all transcripts are sent via **certified mail**. If you would prefer the convenience of sending transcripts electronically, please use SCCID's file transfer servers found by navigating to <https://scfiledrop.sc.gov>. For further assistance or questions with this service, please contact Ryan Cole at [rcole@sccid.sc.gov](mailto:rcole@sccid.sc.gov) or by phone at 803-734-1239.

To ensure prompt payment, please sign and complete the enclosed form and include the original criminal case number (indictment number) where the space is provided.

Sincerely,

  
Laurin Stevens  
Administrative Assistant

cc: S.C. Court of Appeals  
Attorney General's Office



**SCCID**  
SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

**COURT REPORTERS' REQUEST FOR PAYMENT FOR  
TRANSCRIPT IN CRIMINAL INDIGENCY CASE**

**TO: SC COMMISSION ON INDIGENT DEFENSE**  
PO BOX 11589  
COLUMBIA, SC 29211-1589

SIGNATURE OF APPROVING OFFICIAL AT APPELLATE DEFENSE:

FORWARD THIS SIGNED AND COMPLETED FORM ALONG WITH THE REQUESTED TRANSCRIPT TO THE SC COMMISSION ON INDIGENT DEFENSE, APPELLATE DIVISION. THE SC COMMISSION ON INDIGENT DEFENSE, APPELLATE DIVISION WILL APPROVE THIS REQUEST FOR PAYMENT AND FORWARD THE REQUEST TO THE S.C. COMMISSION ON INDIGENT DEFENSE FOR PAYMENT. ALL QUESTIONS REGARDING PAYMENT SHOULD BE MADE TO THE S.C. COMMISSION ON INDIGENT DEFENSE, P.O. BOX 11433, COLUMBIA, SC 29211-1433; PHONE: 803.734.1343, e-mail: executive@sccid.sc.gov.

CASE NAME:

CRIMINAL CASE (INDICTMENT) NO.(s):

DATE TRANSCRIPT REQUESTED BY APPELLATE DEFENSE:

DATE TRANSCRIPT PROVIDED TO APPELLATE DEFENSE:

**PLEASE NOTE THAT THE DEFENSE OF INDIGENTS FUND WILL REIMBURSE THE REQUESTING PARTY FOR EITHER THE ORIGINAL TRANSCRIPT OR ONE COPY, BUT NOT FOR BOTH.**

RULE 607 (H)(1), SCACR, PROVIDES THAT IN ALL CRIMINAL INDIGENCY CASES, INCLUDING POST-CONVICTION AND SEXUAL VIOLENT PREDATOR PROCEEDINGS, THE FEE FOR THE ORIGINAL TRANSCRIPT IS THREE DOLLARS AND TWENTY-FIVE CENTS (\$3.25) PER PAGE AND THE FEE FOR A COPY OF THE TRANSCRIPT IS SEVENTY-FIVE CENTS (.75) PER PAGE.

PURSUANT TO THE REQUEST OF THE S.C. COMMISSION ON INDIGENT DEFENSE, APPELLATE DIVISION, THE TRANSCRIPT IN THE ABOVE MATTER WAS PROVIDED TO THAT OFFICE. REIMBURSEMENT IN THE FOLLOWING AMOUNT IS HEREBY REQUESTED:

- ORIGINAL TRANSCRIPT OF \_\_\_\_\_ PAGES: \$ \_\_\_\_\_
- COPY OF ORIGINAL TRANSCRIPT OF \_\_\_\_\_ PAGES: \$ \_\_\_\_\_
- OTHER (Please specify): \_\_\_\_\_: \$ \_\_\_\_\_

**TOTAL PAYMENT REQUESTED:** \$

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SIGNATURE OF COURT REPORTER:

ADDRESS:

A SC VENDOR IDENTIFICATION NUMBER, WHICH IS ISSUED BY THE SC COMPTROLLER GENERAL'S OFFICE, AND IS NEITHER A FEDERAL EMPLOYER IDENTIFICATION NUMBER NOR AN INDIVIDUAL SOCIAL SECURITY NUMBER, IS REQUIRED FOR PAYMENT PROCESSING. (SCCID DOES NOT REQUIRE A FEI OR SSN)

IF YOU DO NOT HAVE A SC VENDOR ID NUMBER, APPLY HERE:  
<https://webprod.cio.sc.gov/SCVendorWeb/mainNewFrame.do>

PHONE NUMBER:

NOTE: ONCE YOU APPLY FOR A SC VENDOR ID, THE SC COMPTROLLER GENERAL'S OFFICE REQUIRES A 72-HOUR WAITING PERIOD TO VERIFY YOUR ID NUMBER. ADDITIONAL LINKS AND INFORMATION MAY BE FOUND AT:

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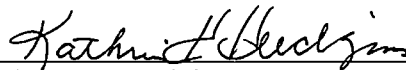
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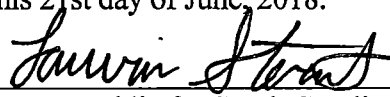
CERTIFICATE OF SERVICE  
\_\_\_\_\_

The undersigned attorney hereby certifies that a true copy of the Motion to Hold Appeal in Abeyance in the above referenced case has been served upon J. Benjamin Aplin, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 21st day of June, 2018.

  
\_\_\_\_\_  
Kathrine H. Hudgins  
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me  
this 21st day of June, 2018.

  
\_\_\_\_\_  
(L.S.)  
Notary Public for South Carolina  
My Commission Expires: July 5, 2027.