

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal From Greenwood County
The Honorable Eugene C. Griffith, Jr., Circuit Court Judge
Appellate Case Tracking Number 2018-001289

RECEIVED
NOV 07 2018
SC Court of Appeals

The State,

Appellant,

vs.

Corey Brown,

Respondent.

**MOTION TO HOLD APPEAL IN ABEYANCE
OR IN THE ALTERNATIVE
FOR A FIRST EXTENSION**

The State of South Carolina respectfully shows unto this Court:

On October 8, 2018, the State indicated by letter it had received the required and necessary transcript for consideration of this appeal. Further, the State indicated its belief that the Initial Brief of Appellant and Designation of Matter should be due on November 7, 2018.

The issue to be addressed on appeal involves the grant of a new trial motion by the trial court, in part, on the basis of an alleged deal by a co-defendant that was not disclosed to Respondent. The co-defendant was allowed to plead guilty and the trial court in this case found the plea and sentence by the co-defendant was pursuant to the alleged deal with the State in exchange for his testimony against Respondent during Respondent's trial.

Because the issue involves the plea of the co-defendant, the State believes the transcript of the co-defendant's plea hearing is likely to be relevant to a determination of whether there was a deal and what constituted the terms of any deal between the co-defendant and the State. As a

result, the State asks this Court to hold this appeal in abeyance while it obtains the co-defendant's plea hearing transcript. The State will immediately request the transcript and will notify this Court immediately upon its receipt so that there will not be any unnecessary delay. Upon receipt of the transcript, the State asks for thirty (30) days to serve and file its Initial Brief of Appellant and Designation of Matter.

In the alternative, because the Initial Brief of Appellant and Designation of Matter are due to be served and filed today, the State would ask that if the Court denies the Motion to Hold In Abeyance, it grant a first extension of thirty (30) days for the State to serve and file its Initial Brief of Appellant and Designation of Matter in this case.

WHEREFORE, the State asks this Court to hold this appeal in abeyance pending receipt of the co-defendant's plea hearing transcript and grant the State thirty days for receipt of the transcript to serve and file the Initial Brief of Appellant and Designation of Matter; or in the alternative, to grant a first thirty-day extension request for the service and filing of the Initial Brief of Appellant and Designation of Matter.

Respectfully submitted,

ALAN WILSON
Attorney General

WILLIAM M. BLITCH, JR.
Senior Assistant Attorney General

BY: 

William M. Blich, Jr.
S.C. Bar No: 15608
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727
ATTORNEYS FOR APPELLANT

November 7, 2018

STATE OF SOUTH CAROLINA

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PROOF OF SERVICE

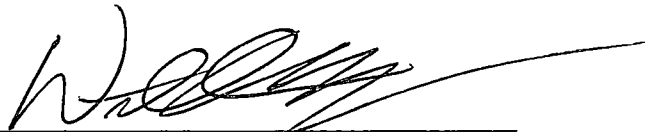
I, William M. Blich, Jr. , certify that I have served the Motion to Hold Appeal in Abeyance or in the Alternative for a First Extension by depositing a copy of same in the United States mail, postage prepaid, addressed to:

Jane Hawthorne Merrill, Esquire
410 Main Street
Greenwood, South Carolina 29646

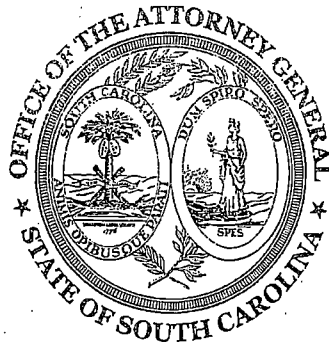
Robert M. Dudek, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29211

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

This 7th day of November, 2018.



WILLIAM M. BLITCH, JR.
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

November 7, 2018

VIA HAND DELIVERY

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

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Re: State v. Corey Brown
Appellate Case Tracking No. 2018-001289

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of a Motion to Hold Appeal in Abeyance or in the Alternative for a First Extension along with proof of service for filing in the above-referenced appeal.

Sincerely,

William M. Blich, Jr.
Senior Assistant Attorney General

Enclosures

cc: Jane Hawthorne Merrill, Esquire
Robert M. Dudek, Esquire
Victim Advocacy Division