

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Brian M. Gibbons, Circuit Court Judge

Appellate Case No. 2019-001068

RECEIVED
AUG 13 2019
SC Court of Appeals

The State.....Appellant,

v.

Tyler J. Evans.....Respondent.

MOTION TO ORDER TRANSCRIPT OUT OF TIME

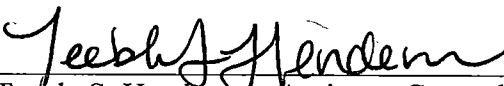
Pursuant to South Carolina Appellate Court Rule 263(b), the State of South Carolina ("Appellant") submits the following motion seeking to extend the time in which it has to order the transcript of the lower proceedings.

On June 28, 2019, Appellant filed its Notice of Appeal with the South Carolina Court of Appeals ("the Court") seeking relief from a final order issued by The Honorable Brian M. Gibbons of the Dorchester County Court of Common Pleas. The Court subsequently issued its initial letter acknowledging receipt of the appeal on July 10, 2019. Appellant acknowledges that it had a duty to order the transcript within ten (10) days of service of its Notice of Appeal, or no later than July 8, 2019, and that it failed to do so. Rule 207(a)(1), SCACR. This delay was inadvertent and unintentional.

A transcript of the oral argument heard before Judge Gibbons is essential to this appeal to prove Appellant preserved specific issues of law for review by this Court. Further, Respondent has not suffered any prejudice as a result of this delay because the criminal charge Respondent faced related to this case have been dismissed.

Based upon the foregoing, Appellant requests that the Court enlarge the time for ordering the transcript by granting this Motion to Order Transcript Out of Time. If the Court sees fit to grant Appellant's motion, Appellant will timely order the transcript within any extension granted by the Court.

August 9, 2019


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Attorneys for Appellant

Other Counsel of Record:
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Summerville, South Carolina 29483
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Attorney for Respondent

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PROOF OF SERVICE

I do hereby certify that I have served the Motion to Order Transcript Out of Time in the above-captioned action, by depositing it in the United States Mail, postage prepaid, on this 9th day of August, 2019, addressed to the Honorable Jenny Abbott Kitchings, Clerk of the Court of Appeals of South Carolina, Post Office Box 11629, Columbia, South Carolina 29211.

Paula Davis

Paula Davis, Paralegal
Office of General Counsel
South Carolina Department of Public Safety

Blythewood, South Carolina
August 9, 2019

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PROOF OF SERVICE

I do hereby certify that I have served the Motion to Order Transcript Out of Time in the above-captioned action on Tyler J. Evans by depositing it in the United States Mail, postage prepaid, on this 9th day of August, 2019, addressed to his attorney of record, Tara L. Frost, Post Office Box 1986, Summerville, South Carolina 29483.

Paula Davis

Paula Davis, Paralegal
Office of General Counsel
South Carolina Department of Public Safety

Blythewood, South Carolina
August 9, 2019



South Carolina Department of Public Safety

OFFICE OF GENERAL COUNSEL

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Tel: (803) 896-7965 • Fax: (803) 896-7967

August 9, 2019

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

RE: The State of South Carolina, Appellant v. Tyler J. Evans, Respondent
Appellate Case No.: 2019-001068

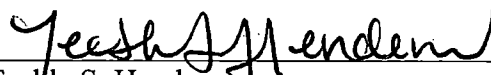
Dear Ms. Kitchings:

Enclosed for filing is a Motion to Order Transcript Out of Time in the above case. Also enclosed is the proof of service of the same on Respondent's counsel.

No filing fee is included pursuant to SCACR 240(d).

Please do not hesitate to contact me, should you have any questions or concerns.

Very truly yours,



Teckla S. Henderson,
Assistant General Counsel

cc: Tara L. Frost, Esquire
Post Office Box 1986
Summerville, South Carolina 29483
(843) 419 - 6653
Attorney for Respondent

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