

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. 2019-001067

**RECEIVED**  
AUG 13 2019  
SC Court of Appeals

The State.....Appellant,  
v.

Christopher Huggins.....Respondent.

MOTION TO ORDER TRANSCRIPT OUT OF TIME

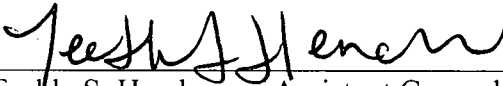
Pursuant to South Carolina Appellate Court Rule 263(b), the State of South Carolina ("Appellant") submits the following motion seeking to extend the time in which it has to order the transcript of the lower proceedings.

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 9, 2019. On August 5, 2019, Respondent filed a motion arguing that this appeal should be dismissed pursuant to South Carolina Appellate Court Rules 208 and 209. Specifically, Respondent asserts that this matter does not require the filing of a transcript and therefore, Appellant's initial brief and designations to be included in the Record on Appeal have not been timely filed with the Court. Appellant is simultaneously filing a Return which challenges Respondent's Motion to Dismiss.

Contrary to Respondent's assertion, 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. 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. Insofar as the underlying criminal charges giving rise to this appeal were dismissed, Respondent has not suffered any prejudice as a result of this technicality.

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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PROOF OF SERVICE

I do hereby certify that I have served the Return to Respondent's Motion to Dismiss in the above-captioned action on Christopher Huggins by depositing it in the United States Mail, postage prepaid, on this 9<sup>th</sup> day of August, 2019, addressed to his attorney of record, Adam J. Russo, 1350-B Chuck Dawley Boulevard, Mount Pleasant, South Carolina 29464.

*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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*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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