

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County

Jennifer B. McCoy, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

FRANKIE LEE DAVIS III,

APPELLANT.

APPELLATE CASE NO. 2019-000316

MOTION TO HOLD MATTER
IN ABEYANCE

Appellant, through his undersigned counsel, would respectfully show unto this Court as follows:

1.

On October 16, 2019, Appellate counsel, along with Assistant Attorney General William Blich, filed a consent motion to transport a trial exhibit, Court's Exhibit No. 1 (Personnel File), maintained under seal, to this Court for consideration in this appeal. The consent motion also stated that the parties to this appeal agreed Appellate Counsel could view this exhibit at the Court.

2.

On October 28, 2019, this Court granted the consent motion and ordered that Court's Exhibit 1 be released by the Charleston County Clerk of Court and be transported by the Attorney

General's Office to this Court. As of the date of the filing of this motion, Court's Exhibit 1 (Personnel File), maintained under seal, has not been transported to this Court.

3.

The initial brief of Appellant and designation of matter in this case are due to be served and filed, one week from the date of this motion, November 13, 2019. Appellate counsel has not been able to view Court's Exhibit No. 1 because it has not been transported to the Court as of the date of this motion.

This request is made in good faith and not for the purposes of delay. As indicated below, counsel for the state does not oppose this request.

WHEREFORE, Appellant respectfully requests this Court to hold the timelines for filing the initial brief of Appellant and designation of matter in abeyance until fifteen days after Court's Exhibit No. 1 (Personnel File), maintained under seal, has been transported to this Court for viewing by the appellate attorneys for Appellant and Respondent.

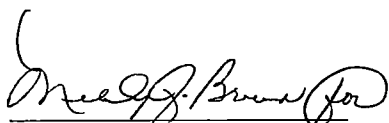
Respectfully submitted,



Adam S. Ruffin
Appellate Defender

November 6, 2019.

I do not oppose:



William M. Blich, Esquire