

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Georgetown County
Larry B. Hyman, Circuit Court Judge

THE STATE,

Respondent,

v.

JODY L. WARD,

Appellant

Appellate Case No. 2018-000402.

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SC Court of Appeals

**MOTION TO HOLD IN ABEYANCE THE DEADLINE
FOR FILING THE FINAL BRIEF OF RESPONDENT**

Under Rule 240, SCACR, Counsel for Respondent the State of South Carolina respectfully moves this Court to hold in abeyance the time limit for filing the Final Brief of Respondent.

1. Counsel for Appellant omitted from its Record on Appeal page 2 of item eleven in its Designation of Matter to be Included on the Record on Appeal. (*See* R. pp. 467-70). Respondent believes that the omission was unintentional.
2. Respondent further submits that two pleadings designated by Appellant are not included within the Record on Appeal in their complete form. Rule 210(c), SCACR (“When a portion of a . . . pleading is to be included in the Record on Appeal, the entire . . . pleading shall be included . . .”). Respondent is of information and belief there are additional portions of item eleven in Appellant’s Designation of Matter that were not

included in the Record on Appeal, and that item seventeen in Appellant's Designation of Matter is not included in the same manner labeled and maintained by the Georgetown County Clerk of Court. (*See* R. pp. 467-70 *and* R. pp. 545-60 (labeled at R. p. iii as "Defendant's Memorandum in Opposition to the State's Motion to Dismiss Defendant's Motion for a New Trial Pursuant to Rule 29(b), SCRE"))).

3. Appellant's designations which are subject to this motion have direct bearing on the manner in which the sole issue before this Court was pursued in the lower court. Therefore, this appeal cannot be fully and fairly considered without their complete inclusion in the Record on Appeal. *See* Rule 210(c), SCACR.
4. Counsel for Respondent is communicating with Counsel for Appellant to ascertain whether Counsel consents to the filing of a Supplemental Record on Appeal, and believes a resolution is imminent.

WHEREFORE, Respondent respectfully requests that this Court hold the time for filing the Final Brief of Respondent in abeyance until such time as the issues pertaining to a Supplemental Record on Appeal are resolved.


Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENSKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

CAROLINE SCRANTOM
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By: 
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November 12, 2019
Columbia, South Carolina

ATTORNEY FOR RESPONDENT

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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CERTIFICATE OF SERVICE

Appellant **RECEIVED**
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I, Caroline Scrantom, counsel for the Respondent, certify that I have served the within Motion to Hold in Abeyance the Deadline for Filing the Final Brief of Respondent, on Appellant by depositing two (2) copies of the same via U.S. mail, first class, postage prepaid to his attorney of record, Tristan M. Shaffer, Esq., P.O. Box 1027, Chapin, South Carolina 29036.

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

This 12th day of November, 2019.


CAROLINE SCRANTOM
Office of Attorney General
P. O. Box 11549
Columbia, South Carolina 29211
(803) 734-6305

ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

November 12, 2019

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


Re: *The State v. Jody Lynn Ward*
Appeal from Georgetown County
Appellate Case No. 2018-000402

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Motion to Hold in Abeyance the Deadline for Filing the Final Brief of Respondent, together with Certificate of Service, in the above-referenced matter.

Thank you for your assistance in this matter.

Sincerely,


Caroline Scrantom
Assistant Attorney General

CS:dmd

Enclosures

cc: Tristan M. Shaffer, Esq. (w/two copies of encls.)

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