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AUG 03 2020

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Greenwood County Court of General Sessions
The Honorable Frank R. Addy Jr., Circuit Court Judge

Appellate Case No. 2018-000952

State of South Carolina,.....Respondent,

v.

Dazzelle Smith,.....Appellant.

**MOTION TO TAKE APPEAL OUT OF ABEYANCE
AND RESUME INITIAL BRIEFING**

The Appellant, Dazzelle Smith, by and through undersigned counsel, respectfully requests this Honorable Court to vacate its Order dated March 10, 2020, in which this Court granted the Respondent's Motion to Hold the Appeal in Abeyance Pending Receipt of the Suppression Hearing Transcript and moves this Court to order resumption of initial briefing.

On February 18, 2020, Respondent filed the motion to hold the appeal in abeyance pending receipt of the suppression hearing transcript. In addition to ordering the transcript on January 27, 2020 as noted in the abeyance motion, Respondent also contacted Appellant by email the same date Respondent filed the abeyance motion on February 18, 2020 to request a

copy of the suppression hearing transcript in order to expedite the briefing process. The undersigned provided Respondent with an e-copy of the suppression hearing transcript on February 19, 2020, thereby rendering the Respondent's abeyance motion essentially moot.

In light of the Respondent having obtained the remaining material necessary to prepare the Initial Brief of Respondent, Appellant respectfully requests that this Court take the case out of abeyance and order the resumption of initial briefing and all applicable timelines. In filing this motion, Appellant is not remiss to the impact the Covid-19 epidemic has had on the operations of Respondent's office, this Court, Court Administration, the court reporter, etc. The undersigned instead seeks resumption of initial briefing by way of this motion out of diligence to their client as his advocate in his pursuit of a new trial.

WHEREFORE the Appellant respectfully moves this Court to vacate its March 10, 2020 Order Granting the Respondent's Motion to Hold the Appeal in Abeyance pending Receipt of the Suppression Hearing Transcript and moves this Court to Order the Respondent to file and serve the Initial Brief of Respondent according to the applicable timelines under the appellate court rules.

Respectfully Submitted,



William G. Yarborough III, #10271
308 West Stone Avenue
Greenville, South Carolina 29609
(864) 331-1612 Fax (864) 370-0022

ATTORNEY FOR APPELLANT

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that one (1) true copy of Appellant’s Motion to Take the Appeal Out Abeyance and Resume Initial Briefing was served upon the Respondent through the United States mail with sufficient postage attached addressed to:

Senior Assistant Attorney General David Spencer
SC Attorney General’s Office
Post Office Box 11549
Columbia, SC 29211

The undersigned further certifies that all parties required to be served pursuant to the appellate court rules have been served.

This 30 day of July, 2020.

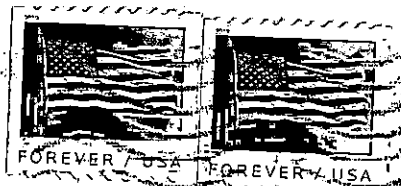


William G. Yarborough III, Attorney at Law, LLC

Law Office of William G. Yarborough
308 W. Stone Avenue
Greenville, SC 29609

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Clerk of Court
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PO Box 11629
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