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Mar 30 2021
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County
Honorable J. Mark Hayes, Circuit Court Judge

THE STATE OF SOUTH CAROLINA,

Respondent,

vs.

TAVIS ANDRE COLSTON,

Appellant.

Appellate Case No. 2020-000257

**MOTION TO HOLD APPEAL
IN ABEYANCE UNTIL RECEIPT
OF A TRANSCRIPT NECESSARY TO
THE PROCEEDINGS PURSUANT TO
RULE 207(a)(1)**

Respondent now moves for this Court to hold the appeal in abeyance pending receipt of a transcript necessary for proper consideration of the appeal pursuant to Rule 207(a)(1). Opposing counsel has already indicated to undersigned counsel that the transcript is in the process of being ordered.

I.

One of the two issues raised is the question of whether the trial judge, the Honorable J. Mark Hayes, II, erred in denying a continuance motion in which he declined to alter the ruling of the chief administrative judge, the Honorable Daniel Dewitt Hall, who likewise denied the continuance request.

II.

The aforementioned motion for a continuance was brought before Judge Hall, on information and belief, during a hearing on January 31, 2020. To the best of undersigned counsel's knowledge, this hearing was not transcribed. Pursuant to Rule 207(a)(1), "Unless the parties otherwise agree in writing, appellant must order a transcript of the entire proceedings below." Respondent would respectfully suggest that the request for transcription of the continuance motion before Judge Hall is justifiable since it is relevant to the issue raised on appeal. Opposing counsel had indicated to undersigned counsel that the transcript will be ordered.

III.

Therefore, Respondent would respectfully request all timelines be held in abeyance until receipt of the requested transcript.

IV.

WHEREFORE, Respondent prays that this Court grant the State's motion to hold the appeal in abeyance.

[Signature block follows on next page]

Respectfully submitted,

ALAN WILSON
Attorney General

DAVID SPENCER
Senior Assistant Attorney General
Bar # 68571

BY:



DAVID SPENCER

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ATTORNEYS FOR RESPONDENT

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PROOF OF SERVICE

I, Caroline Collins, certify that I have served the within Motion to Hold Appeal in Abeyance until Receipt of a Transcript Necessary to the Proceedings Pursuant to Rule 207(a)(1) on Appellant by having a copy emailed to his counsel of record, Victor R. Seeger, at his primary email address provided by the Attorney Information System (AIS).

I further certify that all parties required by Rule to be served have been served.
This 30th day of March, 2021.



CAROLINE COLLINS
Administrative Coordinator
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727

Caroline Collins

From: Caroline Collins
Sent: Tuesday, March 30, 2021 10:57 AM
To: Seeger, Victor
Cc: Stock, Chris; David Spencer; William Blich
Subject: The State v. Tavis Andre Colston (2020-000257)
Attachments: COLSTON Tavis - Motion to Hold Appeal in Abeyance - 2020-000257 (02527295xD2C78).PDF

Good Morning Mr. Seeger,

Attached please find a Motion to Hold Appeal in Abeyance until Receipt of a Transcript Necessary to the Proceedings Pursuant to Rule 207(a)(1) in The State v. Tavis Andre Colston (2020-000257). This Motion will be submitted to the South Carolina Court of Appeals today via the AIS One Drive System.

If you will, please reply to confirm receipt of this email.

Thank you!

Caroline Collins

Administrative Coordinator
South Carolina Attorney General's Office
P: (803) 734-3723