

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Laurens County
Honorable Eugene C. Griffith, Jr., Circuit Court Judge
Appellate Case Tracking No. 2012-212013

The State,

Appellant,

vs.

Raymond Franklin,

Respondent.

**MOTION TO HOLD IN ABEYANCE OR FOR EXTENSION
TO SERVE AND FILE RECORD ON APPEAL**

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

I.

The Record on Appeal is due to be served and filed on April 22, 2013. However, in the process of compiling the Record, the undersigned discovered a transcript for a short hearing dated May 16, 2012, had not been requested.

II.

In order to properly compile the Record on Appeal, the undersigned has contacted the Court Reporter to provide a copy of the transcript of the second day of hearings. The letter to the Court Reporter is being sent concurrent to this motion. As a result, the State asks the Court to hold the appeal in abeyance pending receipt of the transcript and to set

the date for service and filing the Record on Appeal for thirty (30) days from the date the transcript is received.

III.

In the alternative, the State asks pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, for a first extension in the above referenced appeal to serve and file the Record on Appeal.

IV.

This extension request is not intended for purposes of delay, but rather to ensure the Record on Appeal is properly compiled and prepared. The Record will be completed in a timely manner upon receipt of the transcript of the second day of hearings. I would, therefore, request a first extension of time within which to serve and file the Record on Appeal.

WHEREFORE, Appellant prays that the Court hold this matter in abeyance until the undersigned receives a copy of the missing transcript and to set the time for service and filing of the Record on Appeal for thirty (30) days from the date the State receives the transcript; or in the alternative extend the deadline for the service and filing of the Record on Appeal in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

WILLIAM M. BLITCH, JR.
Assistant Attorney General



WILLIAM M. BLITCH, JR.
Assistant Attorney General
S.C. Bar No. 15608

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ATTORNEYS FOR APPELLANT

April 19, 2013

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Laurens County
Honorable Eugene C. Griffith, Jr., Circuit Court Judge
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The State,

Appellant,

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PROOF OF SERVICE

I, William M. Blich, Jr., certify that I have served the Motion to Hold in Abeyance or for Extension to Serve and File The Record on Appeal on Respondent by depositing a copy of same in the United States mail, postage prepaid, addressed to:

Matthew P. Turner, Esquire
Turner & Burney, P.C.
Post Office Box 668
Laurens, South Carolina 29360

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

This 19^h day of April, 2013.



WILLIAM M. BLITCH, JR.
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727



RECEIVED

APR 19 2013

SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

April 19, 2013

VIA HAND DELIVERY

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

Re: State v. Raymond Franklin
Appellate Case Tracking No. 2012-212013

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of a Motion to Hold in Abeyance or for Extension to Serve and File Record on Appeal along with proof of service for filing in the above-referenced appeal.

Sincerely,

William M. Blich, Jr.
Assistant Attorney General

Enclosures

cc: Matthew Turner, Esquire
Victim Services