

**RECEIVED**

**Feb 09 2022**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

---

Appeal from Jasper County

Honorable Carmen T. Mullen, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

KAREEM STEVENSON

APPELLANT

APPELLATE CASE NO. 2021-000417

---

MOTION TO HOLD IN ABEYANCE

---

Counsel for Kareem Stevenson respectfully requests that this case be held in abeyance until receipt of the April 12, 2021, *Jackson v. Denno*<sup>1</sup> hearing transcript. In support of this request, counsel shows:

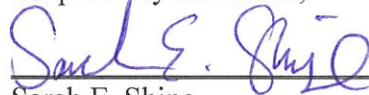
1. On May 4, 2021, this office ordered transcripts in this case for April 12-13, 2021 relying on an email from trial counsel Dustin Whetsel, which stated that all pretrial motions were heard on April 12, 2021, and the entire trial and sentencing was held on April 13, 2021. Transcripts for April 12-13, 2021 were received by this office on August 13, 2021.

---

<sup>1</sup> 378 U.S.368 (1963).

2. Included in the April 12, 2021, transcript received by this office were pretrial hearings including: a motion to suppress drug evidence, a Rule 5 motion, and a motion to sequester witnesses.
3. While recently reviewing the transcripts undersigned counsel discovered that a *Jackson v. Denno* hearing was also held before the Honorable Carmen T. Mullen in General Sessions Court in Jasper County on April 12, 2021.<sup>2</sup>
4. Counsel contacted trial counsel Dustin Whetsel and he reiterated that all pretrial hearings were held on April 12, 2021 and that a *Jackson v. Denno* hearing should be included in the transcript.
5. On February 9, 2022, our office contacted court reporter Kymberlee Williams requesting that she recheck her records to see if they include a *Jackson v. Denno* hearing from April 12, 2021.
6. Counsel will notify this Court immediately upon receipt of the transcript. There have been four (4) extension requests made in this case.
7. Wherefore, counsel respectfully requests that the time limits for filing the Initial Brief of Appellant and designation of matter be held in abeyance until receipt of the *Jackson v. Denno* hearing transcript.

Respectfully submitted,



\_\_\_\_\_  
Sarah E. Shipe  
Appellate Defender  
Attorney for Appellant

---

<sup>2</sup> Attached to this motion is Exhibit A, page 75 of the April 13, 2021, trial transcript, which references the *Jackson v. Denno* hearing held in this case.

1 STATE OF SOUTH CAROLINA  
2 COUNTY OF BEAUFORT

IN THE COURT OF GENERAL SESSIONS  
FOURTEENTH JUDICIAL CIRCUIT

3 STATE OF SOUTH CAROLINA,  
4

5 vs.

CASES NO.: 2018-GS-27-00444  
-447

7 KAREEM STEVENSON,  
8

TRANSCRIPT OF JURY TRIAL VOLUME I  
PAGES 52 - 225

9 Defendant.  
10

---

11 HEARING BEFORE: THE HONORABLE CARMEN T. MULLEN

12 DATE: APRIL 13, 2021

13 LOCATION: JASPER COUNTY COURTHOUSE  
14

15 TRANSCRIBED BY: KYMBERLEE M. WILLIAMS, CSR/RPR  
16

17 APPEARANCES:

18 FOR THE STATE OF SOUTH CAROLINA

19 LENOIR MUSSER, ESQ.  
20 SAMANTHA MOLINA, ESQ.  
21 JASPER COUNTY SOLICITOR'S OFFICE  
305 RUSSELL STREET  
RIDGELAND, SOUTH CAROLINA 29936

22 FOR THE DEFENDANT

23 DUSTIN WHETSEL, ESQ.  
24 CAROLYN CARMODY, ESQ.  
25 265 RUSSELL STREET  
RIDGELAND, SOUTH CAROLINA 29936

1 Q. What is depicted in those photographs?

2 A. The first one is me doing a search of the  
3 Defendant. Then the second one is me pulling out the heroin  
4 out of his left pocket. The very last one is me holding up the  
5 heroin, signifying to the others I had heroin.

6 MS. MUSSER: Your Honor, at this time I would ask  
7 that 16, 17, 18, 19, and 20 be moved into evidence along with  
8 State's Exhibit 9.

9 THE COURT: Any objection?

10 MR. WHETSEL: I have to state it very carefully,  
11 Your Honor. As far as 16 through 20, those are the still  
12 photos; am I correct?

13 MS. MUSSER: Yes, sir

14 MR. WHETSEL: As far as the authenticity of those,  
15 I do not object because I believe those are from the body  
16 camera photos.

17 As to 9, the actual recording itself, I do object  
18 based on the statements that I objected to in pretrial.

19 THE COURT: Thank you

20 MR. WHETSEL: I will raise that objection now as  
21 opposed to objecting to each individual statement.

22 THE COURT: Absolutely

23 MR. WHETSEL: I object based on my written motion,  
24 my previous objections. I would ask that Your Honor go ahead  
25 and rule on my objection at this time