

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**  
**May 09 2022**  
**SC Court of Appeals**

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Appeal from Lexington County  
Frank R. Addy, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

V.

DAMIEN LAVAR RITTER,

APPELLANT

APPELLATE CASE NO. 2021-000710  
\_\_\_\_\_

MOTION TO HOLD APPEAL IN ABEYANCE  
\_\_\_\_\_

Undersigned counsel respectfully moves this Court to hold the timelines for filing the Initial Brief of Appellant in abeyance pending receipt of the additional transcripts from the April 12 and April 14, 2021 hearing on Appellant's motion to suppress evidence pursuant to Franks v. Delaware, 438 U.S. 154 (1978) so that the Record on Appeal may be in accord with Rule 210(c) of the South Carolina Appellate Court Rules.

The Initial Brief of Appellant and Designation of Matter in this case are due for filing on May 11, 2022. This case is on its fourth extension. Appellant was tried for murder, kidnapping, armed robbery, and attempted murder from June 21-28, 2021 before the Honorable Frank R. Addy and a jury. Appellant was convicted and sentenced to life without the possibility of parole. Trial

counsel filed a notice of appeal and Appellate Defense was appointed to represent Appellant. Trial counsel provided Appellate Defense with a list of all transcripts in the case.

Adriane Burk erroneously informed this Court by letter dated November 9, 2021 that we had received all of the transcripts in this case, and to start our 60 day deadline. In fact, as of November 9, 2021 all of the transcripts in this case had been ordered. However, we have not received the transcripts of the pretrial proceedings dated April 12, 2021 and April 14, 2021. For that reason, the “60 day letter” was erroneous and prematurely sent.

We expect to have the April 12, 2021 transcript from court reporter Tara Scott in the near future given her recent updated email. As for the April 14, 2021 transcript our office has been notified by court reporter Bethanie Creppon that she is working on this transcript. Thus, we hope to have both of these remaining missing pretrial transcripts in our possession in the near future. We will immediately contact the Court when we have received both of these transcripts. I respectfully request that this Court hold this case in abeyance pending our receipt of these two pretrial transcripts. Thank you, and please contact me if you have any questions or concerns. I apologize for any inconvenience to this Court.

Respectfully submitted,



Adam Sinclair Ruffin  
Appellate Defender

ATTORNEY FOR APPELLANT

This 9th day of May 2022

cc: Melody J. Brown