

**MOTION AND REQUEST TO FILE RESPONDENT'S INITIAL  
BRIEF AND DESIGNATION OF MATTER OUTSIDE OF TIME**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

**Jul 07 2022**

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

**SC Court of Appeals**

Jocelyn Newman, Circuit Court Judge

Case No. 22021-001527

Tina Patton,

Appellant,

v.

Linda Doty,

Respondent.

**MOTION AND REQUEST TO FILE RESPONDENT'S INITIAL  
BRIEF AND DESIGNATION OF MATTER OUTSIDE OF TIME**

Attorney Charnell G. Peake, on behalf of Ms. Linda Doty, Respondent, files this Motion in the above-captioned matter.

Counsel is in receipt of a letter from the Court of Appeals dated June 28, 2022, requiring that Respondent file her initial brief and designation of matter along with a Motion requesting permission to file the brief and designation outside of the deadline set by rules 208 and 209 of the South Carolina Appellate Court Rules.

Ms. Doty therefore requests permission to file the aforementioned documents outside of the deadline set by Rules 208 and 209.

I have tried my best to not be an attorney who relies on excuses. In this particular case, I have to admit that I was unclear as to the timeline under which we were working.

To Summarize:

1. Counsel for the Appellant filed a Motion to be Relieved as Counsel on January 24, 2022.
2. An Order holding the appeal in abeyance was filed on February 18, 2022.
3. After receipt of the Order on February 18, 2022, Attorney for the Respondent sent an email to the Court asking for clarification as to the due date for the Initial Brief of Respondent. A copy of the email documenting the request is attached as Attachment A.
4. On that same date, Counsel for the Respondent received a response, which confirmed that the time limits for perfecting the appeal are paused. A copy of the email documenting that confirmation is attached as Attachment B.
5. On May 16, 2022, Counsel for the Respondent sent a follow-up email requesting the new due date for filing of the Initial Brief of Respondent. A copy of the email documenting that request is attached as Attachment C.
6. The family vacation of Counsel for Respondent was scheduled to start on June 24, 2022 and last through July 4, 2022. The 45 days before the vacation were time-consuming in that Counsel was working on cases that will be coming up for trial in the near future.
7. On June 27, 2022, Counsel for Appellant sent an email asking: “was there an answer from the Court as to Mr. Peake’s questions below?”. A copy of the email documenting that request is attached as Attachment D.
8. Counsel for Respondent returned to his office from vacation on July 5, 2022.

Counsel respectfully requests permission to file the brief and designation outside of time.

July 7, 2022

s/ Charnell G. Peake

Charnell G. Peake  
S.C. Bar # 4386  
9357 Two Notch Road  
Columbia, SC 29223  
(803) 788-4370  
Attorney for Respondent

Other Counsel of Record:

Thornwell Simons  
S.C. Bar # 73719  
Richland County Public Defender's Office  
1701 Main Street  
Columbia, SC 29201  
(803) 765-2592, ext 117  
Attorney for Appellant

# Attachment A

## Charnell Peake

---

**From:** Charnell Peake  
**Sent:** Friday, February 18, 2022 3:04 PM  
**To:** 'Burns, LaToyla'  
**Cc:** Charnell Peake; 'simons.thornwell@richlandcountysc.gov'; 'thornwellsimons@gmail.com'  
**Subject:** RE: SC Court of Appeals: Tina Patton v. Linda Doty (2022-001527)

Ms. Burns:

In light of this Correspondence, What is the due date for the Initial Brief of Respondent?

With Kind Regards,

Charnell G. Peake  
Peake & Fowler Law Firm, P.A.  
9357 Two Notch Rd., Suite 103  
Columbia, S.C. 29223  
Phone: 803-788-4370  
Fax: 803-788-3872  
Website: [www.peakefowler.com](http://www.peakefowler.com)

---

**From:** Burns, LaToyla <lburns@sccourts.org>  
**Sent:** Friday, February 18, 2022 1:38 PM  
**To:** Charnell Peake <cgpeake@peakefowler.com>; simons.thornwell@richlandcountysc.gov  
**Cc:** Altina Johnson <litigationparalegal@peakefowler.com>; thornwellsimons@gmail.com  
**Subject:** SC Court of Appeals: Tina Patton v. Linda Doty (2022-001527)

Dear Counsel,

Attached in this email is correspondence from the Court of Appeals.

Respectfully,

*LaToyla Burns*

Appeals Specialist  
SC Court of Appeals  
1220 Senate Street  
Columbia, SC 29201  
803-734-1890|Office  
803-734-1839|Fax  
[www.sccourts.org](http://www.sccourts.org)|Web  
[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)|Email

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# Attachment B

## Charnell Peake

---

**From:** Burns, LaToyla <lburns@sccourts.org>  
**Sent:** Friday, February 18, 2022 3:50 PM  
**To:** Charnell Peake  
**Cc:** 'simons.thornwell@richlandcountysc.gov'; 'thornwellsimons@gmail.com'  
**Subject:** RE: SC Court of Appeals: Tina Patton v. Linda Doty (2022-001527)

Good Afternoon,

At this time the appeal is held in abeyance pending screening by appellate defense. A case that is held in abeyance means that the time limits for perfecting the appeal are paused per the Court's order dated February 18, 2022.

Respectfully,

*LaToyla Burns*

Appeals Specialist  
SC Court of Appeals  
1220 Senate Street  
Columbia, SC 29201  
803-734-1890|Office  
803-734-1569|Direct  
803-734-1839|Fax

[www.sccourts.org](http://www.sccourts.org)|Web

[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)|Email

*"Many give thanks to God when He gives. Job gave thanks when He took". ~Innanets*

**From:** Charnell Peake <cgpeake@peakefowler.com>  
**Sent:** Friday, February 18, 2022 3:04 PM  
**To:** Burns, LaToyla <lburns@sccourts.org>  
**Cc:** Charnell Peake <cgpeake@peakefowler.com>; 'simons.thornwell@richlandcountysc.gov' <simons.thornwell@richlandcountysc.gov>; 'thornwellsimons@gmail.com' <thornwellsimons@gmail.com>  
**Subject:** RE: SC Court of Appeals: Tina Patton v. Linda Doty (2022-001527)

\*\*\* **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Ms. Burns:

In light of this Correspondence, What is the due date for the Initial Brief of Respondent?

With Kind Regards,

Charnell G. Peake  
Peake & Fowler Law Firm, P.A.  
9357 Two Notch Rd., Suite 103  
Columbia, S.C. 29223  
Phone: 803-788-4370  
Fax: 803-788-3872  
Website: [www.peakefowler.com](http://www.peakefowler.com)

# Attachment C

## Charnell Peake

---

**From:** Charnell Peake  
**Sent:** Monday, May 16, 2022 10:17 AM  
**To:** Burns, LaToyla  
**Cc:** Stuart E. Inman; Charnell Peake; 'SIMONS.THORNWELL@richlandcountysc.gov'  
**Subject:** RE: re: SC Court of Appeals: Patton v. Doty (2021-001527)

Ms. Burns:

In view of the fact that time limits have been paused since this case was held in abeyance, please advise me of the new due date for the filing of the Initial Brief of Respondent.

Sincerely,

Charnell G. Peake  
Peake & Fowler Law Firm, PA  
Suite 103  
9357 Two Notch Road  
Columbia, S. C. 29223  
803-788-4370  
[www.peakefowler.com](http://www.peakefowler.com)

**From:** Court Of Appeals Filings <ctappfilings@sccourts.org>  
**Sent:** Monday, May 16, 2022 8:55 AM  
**To:** THORNWELL SIMONS <SIMONS.THORNWELL@richlandcountysc.gov>; Court Of Appeals Filings <ctappfilings@sccourts.org>; CLERK OF COURT <COURT.CLERK@richlandcountysc.gov>; Burns, LaToyla <lburns@sccourts.org>  
**Cc:** Stuart E. Inman <litigationparalegal@peakefowler.com>; Charnell Peake <cgpeake@peakefowler.com>  
**Subject:** RE: re: SC Court of Appeals: Patton v. Doty (2021-001527)

Dear Counsel:

The Court has received your filing. A stamped copy is attached for your records.

Thank you.

**From:** THORNWELL SIMONS <SIMONS.THORNWELL@richlandcountysc.gov>  
**Sent:** Saturday, May 14, 2022 3:31 PM  
**To:** Court Of Appeals Filings <ctappfilings@sccourts.org>; CLERK OF COURT <COURT.CLERK@richlandcountysc.gov>; Burns, LaToyla <lburns@sccourts.org>  
**Cc:** 'litigationparalegal@peakefowler.com' <litigationparalegal@peakefowler.com>; 'Charnell Peake' <cgpeake@peakefowler.com>  
**Subject:** RE: re: SC Court of Appeals: Patton v. Doty (2021-001527)

\*\*\* EXTERNAL EMAIL: This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

# Attachment D

## Charnell Peake

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**From:** THORNWELL SIMONS <SIMONS.THORNWELL@richlandcountysc.gov>  
**Sent:** Monday, June 27, 2022 12:00 PM  
**To:** Charnell Peake; Burns, LaToyla  
**Cc:** Stuart E. Inman  
**Subject:** RE: re: SC Court of Appeals: Patton v. Doty (2021-001527)

Was there an answer from the Court as to Mr. Peake's question below? Just want to confirm what timeframe we're operating on myself also.

Thanks,  
Thornwell

---

Thornwell Simons, Esq.  
Assistant Public Defender  
Fifth Judicial Circuit Public Defender's Office  
1701 Main Street, Suite 103  
Columbia, SC 29201  
P: 803-765-2592, ext. 117 • f: 803-748-5018

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---

**From:** Charnell Peake <cgpeake@peakefowler.com>  
**Sent:** Monday, May 16, 2022 10:17 AM  
**To:** Burns, LaToyla <lburns@sccourts.org>  
**Cc:** Stuart E. Inman <litigationparalegal@peakefowler.com>; Charnell Peake <cgpeake@peakefowler.com>; THORNWELL SIMONS <SIMONS.THORNWELL@richlandcountysc.gov>  
**Subject:** RE: re: SC Court of Appeals: Patton v. Doty (2021-001527)

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Ms. Burns:

In view of the fact that time limits have been paused since this case was held in abeyance, please advise me of the new due date for the filing of the Initial Brief of Respondent.

Sincerely,

Charnell G. Peake  
Peake & Fowler Law Firm, PA  
Suite 103  
9357 Two Notch Road  
Columbia, S. C. 29223  
803-788-4370

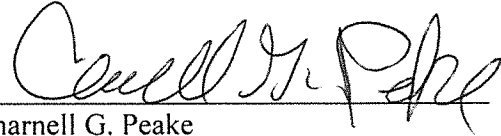
**RECEIVED**

**Jul 07 2022**

**SC Court of Appeals**

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused a copy of the foregoing document to be served upon opposing counsel via electronic mail in the above captioned case, on this date, July 7, 2022.



Charnell G. Peake

S.C. Bar # 4386

9357 Two Notch Road

Columbia, SC 29223

(803) 788-4370

Attorney for Respondent