

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable Deadre L. Jefferson, Circuit Court Judge

STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

WALTER DOUGLAS BARCLAY,

APPELLANT

Appellate Case No.: 2012-212639

PETITION FOR EXTENSION OF TIME
IN WHICH TO FILE THE INITIAL BRIEF OF
APPELLANT AND DESIGNATION OF MATTER

The undersigned counsel respectfully requests a thirty day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed June 3, 2013.

RECEIVED

MAY 29 2013

2. Counsel is a sole practitioner who has made several appearances in the Courts of General Sessions and Magistrate/Municipal Courts on behalf of other clients since receipt of the final two volumes of the 1,465 pages of transcripts in this case March 6, 2013. Counsel's preparation of appellant's initial brief has been interrupted by his wife's OBGYN surgery April 17, 2013 and her recuperation coupled with counsel and their son suffering ear/sinus infections late in April and early in May. Counsel has been preparing the Lexington County Family Court case of SC DSS v. Crystal Martin, Michael Naylor and Bernard Canzater, (12-DR-32-1437X), now set for trial June 10, 2013. Counsel has appearances scheduled in State v. John Huff (21402 GF and 21403 GF) in City of Cayce Municipal Court May 30, 2013, State v. Aziz Nashat (DUI, 70979 GJ) in the City of Columbia Municipal Court June 4, 2013 and State v. Allan Antonucci (2012A-40-10600286) in Eastover Magistrate's Court June 13, 2012.

3. Preparation of appellant's initial brief and designation of matter to be included in the Record on Appeal in this case has most recently been interrupted by counsel's illness since May 15, 2013 which continues through the filing of this petition. Counsel's attached letter to Salley W. Elliott, Esquire, of the Attorney General's Office, includes a summary of counsel's health issues with copies of his Patient Summary of May 17, 2013 and counsel's appointment slips with the lab and physicians. Counsel is currently scheduled for exams by Dr. Martin Hester on June 5, 2013 and by Dr. Charlie Devlin, a cardiologist at the South Carolina Heart Center, on June 6, 2013, (after an echocardiogram procedure).

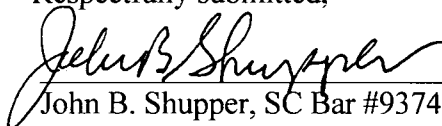
4. This request is made in good faith, and not for purpose of delay.

5. The undersigned counsel hereby certifies that he has discussed the matters herein with Salley W. Elliott, Esquire, of the South Carolina Attorney General's Office and she

has consented to the relief requested as evidenced by her signature below.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension until July 3, 2013. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

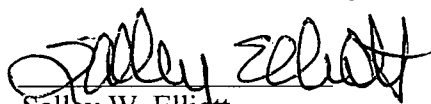
Respectfully submitted,



John B. Shupper, SC Bar #9374
Attorney at Law
Post Office Box 90263
Columbia, South Carolina 29290
Phone: (803) 606-7859
Attorney for Appellant

May 29, 2013

I CONSENT:



Salley W. Elliott

JOHN B. SHUPPER
Attorney at Law
Post Office Box 90623
Columbia, South Carolina 29290
(803) 606-7859
jbshupper@hotmail.com

May 28, 2013

Ms. Salley W. Elliott, Esquire
S.C. Attorney General's Office
PO Box 11549

Columbia, SC 29211 BY HAND DELIVERY / E-MAIL TO: SELLIOTT@SCAG.GOV

RE: The State v. Walter Douglas Barclay
Appellate Case No.: 2012-212639
(Appeal from Charleston County, Case No.: 2011-GS-10-2848)

Dear Ms. Elliott,

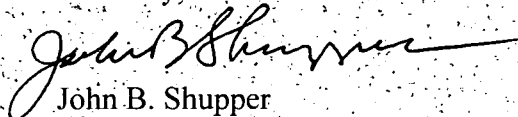
Thank you for consenting to an extension of 30 days for me to file Appellant's Brief in the above-captioned case due to my recent health issues.

This past Friday we discussed my doctor's exam of May 17, 2013 following three days of fever, severe abdominal pain and other symptoms. A CT scan was ordered and I've been taking four prescription medications since then. Symptoms persist today despite my completing a series of antibiotic and other medications over the last 10 days. I have attached appointment cards and a patient summary that reflect the CT scan was done May 17th, additional lab work was done this morning and Dr. Hester will see me June 5. An echocardiogram is scheduled for June 6 at the SC Heart Center to be followed by an examination by Dr. Charlie Devlin later that day.

My illness has severely hindered completion of Appellant's Brief and my meeting with Mr. Barclay who is incarcerated in Ridgeville, South Carolina. For these reasons I am seeking this extension of 30 days to file and serve the brief, or until July 3, 2013.

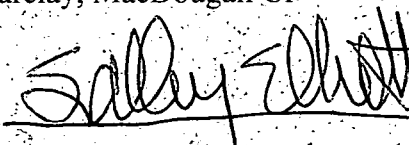
Thank you again for consenting to the relief sought. Please call me if you have questions.

Sincerely,


John B. Shupper
Attorney for Appellant

Attachment

cc: SC Court of Appeals
Mr. Walter Douglas Barclay, MacDougall CI

I CONSENT: 

RECEIVED
MAY 29 2013
SC COURT OF APPEALS

DATE 05/17/13 APPT. TIME 11:30A PATIENT NO. 00000251660 GUARANTOR NAME JOHN B SHUPPER RESOURCE MSR # SHUDI 00013401625

PATIENT NAME AND ADDRESS/COUNTY CODE JOHN B SHUPPER 829 WORDSWORTH DR COLUMBIA SC 29209 AGE/SEX DATE OF BIRTH 065/M 02/02/1948 HOME PHONE WORK PHONE 8036067859 PRIMARY POLICY SECONDARY HUMANA H43023662

COMMENTS DIVERTICULITIS REFERRED BY


South Hampton Family Practice PALMETTO HEALTH

ICD-9 CODES	NEW	ESTAB	ICD-9 PROC	ICD-9 CON	CPT	FEE
Animal	99201				10080	
Problem Focused	99202				11750	
Low Complexity						
Mod Complexity						
High Complexity						

Appointment with: Martha Parker Hester, MD B. Martin Hester, MD Sharon Risinger, MD Evelynne Shumpert, NP

Patient: Shupper
Date: 5-28-13
Time: 9:30am

If unable to keep this appointment, please give 24-hours notice to avoid no-show charges.



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South Hampton Family Practice PALMETTO HEALTH

Name John Shupper DOB 2-2-48
Study CT abd-pelvis Date 5-17-13
Physician _____
MRN 915720

Appointment with: Parker Hester, MD Hester, MD Risinger, MD Shumpert, NP

Patient: Shupper
Date: 6-5-13
Time: 9:30am

If unable to keep this appointment, please give 24-hours notice to avoid no-show charges.

EDUCATION	DC #	MRN	FEE
DC #			87804
F, 1st hour			82947
F, Add'l hrs			82951

Level	80178	Hypertension	
Assum, Urine	84133	HYPOTHYROIDISM	244.9
			710.46

MUNIZATIONS	CPT	FEE	REFERENCE LABS/PANELS/PROFILES	VENIPUNCTURE
AP #	90700		HEALTH PANEL	80050
AP-B (Adult) #	90746		CBC/PLATELETS	85025
AP-B (Peds) #	90744		Hepatitis Panel	80074
AP #	90645		LIPID PANEL	80061
FLUENZA #	90658		LIVER PANEL	80076
J #	90713		Metabolic Panel, Basic	80048
AR #	90707		Metabolic Panel, Comp	80053
HEUMOVAX #	90732		INDIVIDUAL TESTS	
D #	86580		24 hr Urine Albumin	82403
Avnar #	90669		24 hr Urine CrCl	82575
#	90718		ALT	84460
ap #	90715		AMYLASE	82150
nicella #	90716		ANA Screen	86038

M. John Shupper HAS AN APPOINTMENT ON
Dr. Devlin 6/6/2013
Day Month Date
At 9:00 (A.M.) P.M.

IMAGE PROCEDURES	CPT	FEE	DIAGNOSIS CODES	DIAGNOSIS
ROIOVASCULAR			ABDOM PAIN (SITE)	789.
G & Interpretation	93000		ANEMIA NOS	285.9
admill Stress Test	93015		Arrythmia	427.9
IMATOLOGY			ARTHRITIS (SITE)	716.9
Abscess * Simple	10060		Asthma	493.00
Abscess * Complex	10061		ATRIAL FIB	427.31
			ANXIETY STATE	300.0
			BACK PAIN	724.5
			BPH	600.00
			Bronchitis-Acute	466.0
			BRONCHITIS	519.11
			CAD	414.9
			Carpal Tunnel Syndr.	354.0
			CHF	428.0
			CONSTIPATION	564.00

IF UNABLE TO KEEP THIS APPOINTMENT, PLEASE GIVE US 48 HOURS SO THAT THE TIME MAY BE GIVEN TO SOMEONE ELSE.
PLEASE BRING YOUR MEDICATION.

SOUTH HAMPTON FAMILY PRACTICE
Board Certified Family Physicians
200 Gamers Ferry Road
Columbia, SC 29209
(803) 695-5450 Fax (803) 695-5469

B. Martin Hester, MD
Martha Parker Hester, MD
Sharon A. Risinger, MD
E. Diane Shumpert, CFNP
Beth Williams, NP

Today's Charges: \$
Copay Collected: \$ 15
Cash Check Credit Card
Initials-Rec'd by: [Signature]
Add'l Payment Rec'd: \$

Return Appointment:
Days Weeks
Months
PROVIDER SIGNATURE
[Signature]

*LLL abd pain
fever*