

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Clarendon County

R. Ferrell Cothran, Jr., Circuit Court Judge

RECEIVED

MAY 31 2013

THE STATE,

RESPONSE 

V.

MICHAEL WILSON PEARSON,

APPELLANT

Appellate Case No. 2012-212430


**MOTION TO ACCEPT THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER OUT OF TIME**

Pursuant to Rule 240, SCACR, counsel for Michael Wilson Pearson respectfully requests the Court to accept the Initial Brief of Appellant and Designation of Matter in this case out of time. In support of this request, counsel shows:

(1) The Initial Brief of Appellant was due to be served and filed with this Court on April 25, 2013. Counsel believed that on April 25, 2013, she petitioned this Court for a thirty day extension of time to file the initial brief. A copy of the petition is attached and made a part of this motion showing that the Attorney General's Office consented to the petition for an extension of time on April 25, 2013, and received a copy of the petition on April 26, 2013. The initial brief was subsequently filed on May 28, 2013, in what counsel

believed to be a timely manner. This Court, however, on May 31, 2013, notified counsel that the petition for extension of time from April 25, 2013, was never received. The Court asked counsel to file a motion to file the initial brief out of time.

Counsel for Appellant respectfully requests the Court accept the Initial Brief of Appellant as filed out of time.

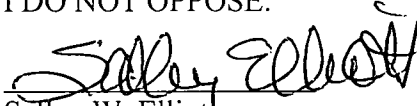


Kathrine H. Hudgins
Appellate Defender

ATTORNEY FOR APPELLANT

May 31, 2013

I DO NOT OPPOSE:



Salley W. Elliot

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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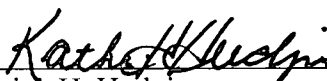
MICHAEL WILSON PEARSON,

APPELLANT

Appellate Case No. 2012-212430

CERTIFICATE OF SERVICE


The undersigned attorney hereby certifies that a true copy of the Motion to Accept the Initial Brief of Appellant and Designation of Matter Out of Time in the above referenced case has been served upon Salley W. Elliott, Esquire, this 31st day of May, 2013.



Kathrine H. Hudgins
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 31st day of May, 2013.



(L.S.)
Notary Public for South Carolina
My Commission Expires: October 2, 2013.