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Jul 28 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County
Honorable H. Steven DeBerry IV, Circuit Court Judge

STATE OF SOUTH CAROLINA, Respondent,

vs.

SAMUEL LEE MCNEIL, Appellant.

Appellate Case No. 2022-000093

**PETITION TO RELAX RULE 211(a) SCACR AND
MOTION TO ALLOW LATE FILING OF FINAL BRIEF OF RESPONDENT**

Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

The Final Brief of Respondent was due to served on opposing counsel and filed with this Court on July 19, 2023. However, due to a calendaring error, counsel for the State failed to either request an extension or file its Final Brief of Respondent on the date the brief was due.

II.

As a result of the calendaring error, the State respectfully asks this Court to relax the requirements of Rule 211(a) SCACR and permit the State to file its Final Brief Of Respondent out of time. The brief has been completed and served and is being submitted to the Court simultaneously with this motion. See Rule 263(b), SCACR (“The time prescribed by these Rules for performing any

act except the time for serving the notice of appeal under Rule 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof.”).

III.

WHEREFORE, Respondent prays that the Court will relax the requirements of 211(a) SCACR and permit the late filing of the State’s Final Brief Of Respondent.

Respectfully submitted,

ALAN WILSON
Attorney General

DAVID SPENCER
Senior Assistant Attorney General

BY: 
For David Spencer
S. C. Bar No: 68571

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July 28, 2023

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA,

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SAMUEL LEE MCNEIL,


Appellant.

Appellate Case No. 2022-000093

PROOF OF SERVICE

I, Anne Mueller, certify that I have served the Petition To Relax Rule 211(a) SCACR And Allow The Late Filing Of The State's Final Brief Of Respondent on Sarah Elizabeth Shipe, Esquire, counsel of record for the Appellant, by electronic mail to the address listed for counsel in AIS.

I further certify that all parties required by Rule to be served have been served.
This 28th day of July 2023.



Anne A. Mueller
Legal Assistant

Office of Attorney General
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(803) 734-3727

From: [Anne Mueller](#)
To: sshipe@sccid.sc.gov
Cc: hbryant@sccid.sc.gov; [David Spencer](#); [Anne Mueller](#); [Grace Sommer](#)
Bcc: [Victim Services](#)
Subject: State v. Samuel Lee McNeil, 2022-000093
Date: Friday, July 28, 2023 12:12:00 PM
Attachments: [McNeil Samuel - 2022-000093 - Petition to Relax Rule And Motion To Allow Late Filing Of Final Brief Of Respondent \(03347494xD2C78\).PDF](#)
[image001.png](#)
[McNeil Samuel - 2022-000093 - Final Brief Of Respondent \(03347505xD2C78\).PDF](#)

Good afternoon and happy Friday!

Attached for service are the State's Petition To Relax Rule 211(a) SCACR and Motion To Allow Late Filing Of Final Brief Of Respondent and the State's Final Brief Of Respondent in the above matter.

Sincerely,

Anne Mueller, Legal Assistant for Senior Assistant Attorney General David Spencer

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