

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

69338

APPEAL FROM LAURENS COUNTY
Court of General Sessions

Honorable Eugene C. Griffith, Jr., Circuit Court Judge

Appellate Case Tracking No.: 2012-212013

The State..... Appellant,

vs.

Raymond Franklin..... Respondent.

MOTION TO FILE AND SERVE FINAL BRIEF
OF RESPONDENT OUT OF TIME

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SC Court of Appeals

Raymond Franklin, Respondent, through his undersigned counsel, hereby moves for an Order of this Court allowing him to file and serve his Final Brief. Currently, the Final Brief of Respondent was due to be filed and served on June 12, 2013. The Respondent bases his motion on the following grounds:

1. On April 19, 2013, attorney for Appellant filed a Motion to hold in abeyance the time to serve and file the Record on Appeal in this matter until Appellant could obtain a transcript from a hearing on May 16, 2012. Pursuant to an Order filed May 15, 2013, the time limit for perfecting the appeal was held in abeyance pending receipt of the additional transcript by Appellant. On May 23, 2013, Appellant filed the Record on Appeal with the Court of Appeals and served two (2) copies on the undersigned. However, the Order holding in abeyance the time limits for perfecting the appeal was not lifted;

2. The Final Brief of Respondent is being filed and served concurrent with this motion.
3. Counsel for Respondent has discussed this matter with opposing counsel, and opposing counsel has indicated his consent to this Motion to file and serve the Final Brief of Respondent out of time.

WHEREFORE, Respondent respectfully requests the Court allow the service and filing of the Final Brief of Respondent out of time.

August 2, 2013

Respectfully submitted,

By: 

Matthew P. Turner
Turner & Burney, P.C.
Post Office Box 668
Laurens, South Carolina 29360
(864) 984-6565
Attorney for Respondent

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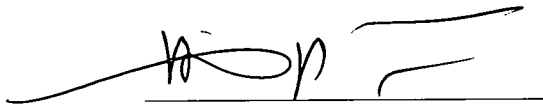
The State..... Appellant,

vs.

Raymond Franklin..... Respondent.

PROOF OF DELIVERY

I certify that I have served a copy of **Respondent's Motion to File and Serve the Final Brief of out of time** on Alan Wilson, Attorney General and William M. Blich, Jr., Assistant Attorney General, P.O. Box 11549, Columbia, South Carolina 29211, by depositing them in the United States Mail, postage prepaid, on the 2 day of August, 2013.



Matthew P. Turner
105 West Public Square
Post Office Box 668
Laurens, South Carolina 29360
(864) 984-6565
Attorney for Respondent

August 2, 2013

**TURNER &
BURNEY, PC**
Attorneys at Law

J. Michael Turner, Sr.
Rhett D. Burney
Matthew P. Turner

Reply to:

PO Box 668
Laurens, SC 29360

August 2, 2013

The Hon. Jenny A. Kitchings
Clerk of the SC Court of Appeals
Post Office Box 11629
Columbia, SC 29211

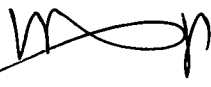
RE: The State v. Raymond Franklin
Appellate Case Tracking No.: 2012-212013

Dear Ms. Kitchings:

I enclose herewith the original and six (6) copies of Respondent's Motion to File and Serve Respondent's Final Brief out of time in the above matter.

Also, enclosed please find the filing fee of \$25.00 along with the original and two (2) copies of the Proof of Service for the Motion. Please file the originals and copies of both necessary documents and return the clocked copies to me in the enclosed self-addressed stamped envelope.

Sincerely,



Matthew P. Turner
MPT/ljf

CC: James E. Bryan, Jr., Esquire
William M. Blich, Jr., Assistant Attorney General

Enclosures

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SC Court of Appeals

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