STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED
AUG 14 2013
SC Court of Appeals

Appeal from Orangeburg County

Edgar W. Dickson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

HENRY HAYGOOD,

APPELLANT

MOTION TO ACCEPT THE AMENDED INITIAL REPLY BRIEF
OF APPELLANT AS FILED OUT OF TIME

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, the undersigned counsel requests the relaxation of Rule 263(b), SCACR, and allow leave in which to file the Initial Reply Brief of Appellant in this case out of time. In support of this motion counsel submits the following:

1. The Initial Brief Appellant and Designation of Matter in this case were filed with this Court on April 20, 2012.

2. The Initial Brief of Respondent was filed on May 24, 2013, and received by our office on May 28, 2013.

3. A Motion to Accept the Initial Reply Brief of Appellant as Filed Out of Time, and the Initial Reply Brief of Appellant, were subsequently filed simultaneously, which this Court

granted and accepted on June 19, 2013.

4. On June 21, the Respondent filed a Motion to File an Amended Initial Brief of Respondent and Designation of Matter, or in the Alternative, Motion to Amend the Final Brief of Respondent. This Court granted Respondent's motion to file an amended initial brief and designation of matter on July 8, 2013.

5. Respondent filed the Amended Initial Brief of Respondent and Designation of Matter on July 12, which was received by Appellant on July 15, 2013. However, the date for filing an Amended Initial Reply Brief of Appellant was inadvertantly miscalculated.

6. Further, initial counsel for Appellant recently left the First Circuit Public Defender's Office, and the case was very recently reassigned to undersigned counsel.

7. Counsel has prepared the Amended Initial Reply Brief of Appellant, and is filing it simultaneously with this motion.

8. Counsel has telephonically contacted Opposing Counsel, who stated that she does not oppose this motion.

9. Counsel makes this request in good faith and not for purpose of delay.

WHEREFORE, the undersigned counsel respectfully requests that the Court grant counsel's request to relax Rule 263(b), SCACR, and allow leave in which to file the Initial Reply Brief of Appellant in this case out of time based upon the above exigent circumstances.

Respectfully submitted,

BREEN R. STEVENS
Public Defender

ATTORNEY FOR APPELLANT

This 12th day of August, 2013.

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THE STATE,

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Motion To Accept The Amended Initial Reply Brief Of Appellant As Filed Out of Time, in the above referenced case has been served upon Julie Kate Keeney, Esquire, by depositing two copies of the same the United States mail, postage prepaid, addressed to:

Julie Kate Keeney
Office of the Attorney General
Post Office Box 11549
Columbia, S.C. 29211

I further certify that all parties required to be served by Rule have been served this 13th day of August, 2013.

Breen R. Stevens
Public Defender

ATTORNEY FOR THE APPELLANT

SUBSCRIBED AND SWORN TO before me
this 13th day of August 2013.

_____(L.S.)
Notary Public for South Carolina
My Commission Expires: 2/14/15