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Certified Criminal Trial Advocate - NBTA

J SCOTT BISCHOFF, II  
DONALD L. MCCUNE, JR.

September 18, 2013

**VIA FACSIMILE 803-734-1839 and USPS**

Ms. V. Claire Allen  
Deputy Clerk  
South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

**RECEIVED**  
SEP 19 2013  
SC Court of Appeals

**RE: Allen Livingston v. Harold Simmons  
Appellate Case Number: 2013-001306**

Dear Ms. Allen:

I received the copy of the letter you sent to Jeffrey Barnwell regarding the above-referenced case dated September 13, 2013. I am writing to inform the Court that Mr. Barnwell passed away unexpectedly on July 23, 2013.

We have been advised that the attorney for Mr. Barnwell's estate has filed to have Mr. Barnwell's ex-wife appointed as the Personal Representative. Once that is done, he will file a petition with the Charleston County Probate Court to have attorney Matthew D. Hamrick appointed as the Special Administrator to handle Mr. Barnwell's pending legal cases.

We have been in contact with Mr. Hamrick regarding the above-referenced case, and he has advised us that he is not in a position to handle this matter. Once he has been appointed by the Probate Court, he will notify Mr. Livingston that he will need to retain an attorney to continue his representation in this matter. He will provide the complete file to Mr. Livingston at that time.

We are, therefore, respectfully requesting an extension of time to file the initial brief in this matter, or in the alternative, a stay of the appeal until substitute counsel can be retained. By copy of this letter to Mr. Whipper, we are advising him of our request.

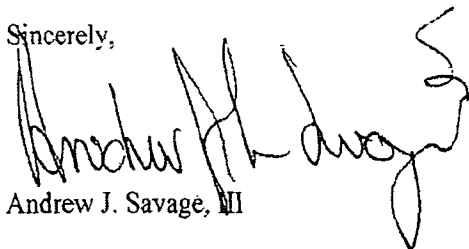
Ms. V. Claire Allen  
Deputy Clerk  
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We appreciate your consideration.

With best wishes, I remain

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew J. Savage, III". The signature is fluid and cursive, with a large, stylized initial "A" and "S".

Andrew J. Savage, III

AJS,III/hch

cc: J. Seth Whipper, Esquire (via email only)  
Matthew D. Hamrick, Esquire (via email only)