

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHEROKEE COUNTY
Court of General Sessions

Roger L. Couch, Circuit Court Judge

Case No. 2010-GS-11-00607

The State of South Carolina,..... Respondent,
v.
Hayword Tony Chambers,..... Appellant.

**PETITION FOR EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER**

The undersigned counsel respectfully requests a fourteen day extension in which to file the Initial Brief of Appellant and Designation of Matter to Be Included in the Record on Appeal in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The Initial Brief of Appellant and Designation of Matter to Be Included in the Record on Appeal in this case are due to be served and filed on Monday, December 2, 2013.
2. Undersigned counsel has read the transcript of record and attended the Continuing Legal Education seminar on October 24, 2013.

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SC Court of Appeals

3. Undersigned counsel had a conflict of interest with this case that was not waived by Appellant until approximately a week after the October 24, 2013 CLE seminar, preventing any substantive work on the case until that time.

4. The transcript of the underlying proceedings is over one thousand (1,000) pages, and the record from the lower court also includes numerous written motions and court filings.

5. This request is made in good faith, and not for purposes of delay.

6. This request is made for a fourteen-day extension, or until December 16, 2013.

7. As indicated by her consent below, counsel for the State graciously consents to this request.

WHEREFORE, the undersigned counsel would respectfully request a fourteen-day extension of the time for filing the initial brief of appellant and designation of matter. Undersigned counsel further respectfully requests that the deadline for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,

Nelson Mullins Riley & Scarborough, LLP

By: 

Jay T. Thompson
SC Bar No. 75030
E-Mail: jay.thompson@nelsonmullins.com
Post Office Box 11070 (29211-1070)
Columbia, South Carolina 29201
(803) 799-2000

South Carolina Commission on Indigent Defense

Robert M. Dudek

E-Mail: rdudek@sccid.sc.gov

1330 Lady Street, Suite 401

Columbia, South Carolina 29201

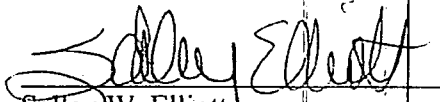
(803) 734-1343

ATTORNEYS FOR APPELLANT

Columbia, South Carolina

November 25, 2013

I CONSENT:

A handwritten signature in black ink, appearing to read "Salley W. Elliott", written over a horizontal line.

Salley W. Elliott
State of South Carolina, Office of the Attorney General
1000 Assembly Street, Room 519
Columbia, SC 29201

Attorney for Respondent

THE STATE OF SOUTH CAROLINA
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Roger L. Couch, Circuit Court Judge

Case No. 2010-GS-11-00607

The State of South Carolina,..... Respondent,
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PROOF OF SERVICE

I certify that I have served the **Appellant's Consent Petition for Extension to File Initial Brief of Appellant and Designation of Matter** on The State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on November 25, 2013, addressed to its attorneys of record, Salley Elliott, Senior Assistant Deputy Attorney General, P.O. Box 11549, Columbia, S.C. 29211

<< Signature on Next Page >>

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Respectfully submitted,

Nelson Mullins Riley & Scarborough, LLP

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Jay T. Thompson
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E-Mail: jay.thompson@nelsonmullins.com
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Columbia, South Carolina 29201
(803) 734-1343

ATTORNEYS FOR APPELLANT

Columbia, South Carolina
November 25, 2013

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
1320 Main Street / 17th Floor / Columbia, SC 29201
Tel: 803.799.2000 Fax: 803.255.5187
www.nelsonmullins.com

Jay T. Thompson
Tel: 803.255.9300
Fax: 803.255.5187
jay.thompson@nelsonmullins.com

November 25, 2013

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
S. C. Court of Appeals
1015 Sumter Street
Columbia, SC 29201

RE: Appeal From Cherokee County
The State, Respondent v. Hayword Tony Chambers, Appellant
Case No. 2010-GS-11-0607
Our File No. 38769/01519

Dear Ms. Kitchings:

Enclosed for filing please find an original and seven (7) copies of Appellant's Petition For Extension To File Initial Brief Of Appellant And Designation Of Matter in the above-referenced matter. Please return a clocked copy of these documents to our courier.

All parties have been served with copies of these documents via U. S. Mail.

Very truly yours,



Jay T. Thompson

JTT:coc

Enclosures

cc: Salley W. Elliott, Esquire
Robert M. Dudek, Esquire

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