

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chesterfield County
J. Michael Baxley, Circuit Court Judge

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DEC 23 2013
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

THOMAS STEWART,

APPELLANT

Appellate Case No. 2012-213655

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

The undersigned counsel respectfully requests a thirty (30) day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The undersigned counsel previously requested a sixty (60) day extension to file the initial brief in this matter due to an on-going trial. The Court granted a thirty (30) day extension which extended the due date of the initial brief of appellant and designation of matter in this case to be served and filed on January 2, 2014.
2. The undersigned counsel is still representing the defendant in the same civil trial that began on October 21, 2013, and the trial is still on-going. The defense in this trial has begun its case and the case is expected to conclude the third week of January, 2014.

AIB 4th
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3. This request is made in good faith, and not for purposes of delay.
4. I have spoken with Don Zelenka, counsel for the state, and he has no objections to this extension request or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension. Counsel respectfully requests that the time limits 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: 

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**SOUTH CAROLINA COMMISSION ON INDIGENT
DEFENSE**

Robert M. Dudek
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1330 Lady Street, Suite 401
PO Box 11589
(803) 734-1330

Attorneys for Appellant Thomas Stewart

December 20, 2013.

STATE OF SOUTH CAROLINA
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PROOF OF SERVICE

I, the undersigned of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Respondent, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following addressees:

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

Counsel Served: Donald J. Zelenka, Esquire
State of South Carolina, Office of the Attorney General
Rembert Dennis Building
1000 Assembly Street; Room 519
Columbia, SC 29201



Ann B. Brock
Paralegal

December 20, 2013.

Nelson Mullins

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December 20, 2013

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The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1015 Sumter Street - 5th Floor
Columbia, SC 29201

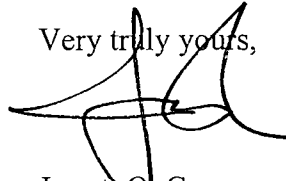
RE: The State v. Thomas Stewart
Appellate Case No. 2012-213655
Our File No.: 38769.01518

Dear Ms. Kitchings:

Enclosed please find the original and two copies of the Petition for Extension to File Initial Brief of Appellant and Designation of Matter, together with Proof of Service in the above-referenced action. We would appreciate your filing the original and returning a filed copy to us in the envelope provided.

By copy of this letter to counsel of record, we are serving them with copies of the same.

Very truly yours,



Jarrett O. Coco

JOC:abb

Enclosures

cc: Donald J. Zelenka, Esquire
Robert Dudek, Esquire
Thomas Stewart

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
Attention: Ann. B. Brock
Post Office Box 11070
Columbia, SC 29211-1070

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
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