

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

JAN 10 2014

Kristi L. Harrington, Circuit Court Judge

SC Court of Appeals

170927

Appellate Case No. 2012-213734

THE STATE,..... Respondent,  
v.  
JAMES LAMONT MOORE, ..... Appellant.

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

The undersigned counsel respectfully requests a fifteen (15) 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 initial brief of appellant and designation of matter in this case were due to be served and filed on Monday, December 2, 2013. With a forty-five day extension from December 2, 2013, the initial brief of appellant and designation in this matter are due to be served and filed on Thursday, January 16, 2014.
2. Undersigned counsel has read the transcript of record and attended the Continuing Legal Education seminar on October 24, 2013.

ATB 3rd  
01/16/14  
01/31/14

3. Undersigned counsel has now received the Appellant's waiver of a potential conflict as the undersigned and members of his firm handle criminal domestic violence cases for the State.

4. Undersigned counsel has been diligently working to obtain a copy of a key piece of relevant evidence from the trial court for over six weeks but was not able to obtain this evidence until January 9, 2014. Specifically, counsel requested a video exhibit from the Charleston County Clerk of Court, key evidence offered at the Appellant's criminal trial and relevant to this Appeal. This evidence did not originally come with the transcript provided to undersigned counsel. Approximately, six weeks ago, undersigned counsel requested, telephonically, that the exhibit be copied and sent to counsel but was instructed that the exhibit could not be released. Undersigned counsel formally moved the court for Charleston County to allow counsel to make a copy of the exhibit, which the court granted on January 7, 2014. *See* Order Granting Request to Copy Exhibit 3. Undersigned counsel received this evidence on January 9, 2014 and needs additional time to review and analyze this evidence.

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

6. This request is made for a fifteen (15) day extension, or until January 31, 2014, because a forty-five-day extension would expire on January 16, 2014.

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

WHEREFORE, the undersigned counsel would respectfully request a fifteen (15) 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

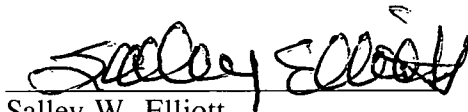
By: 

Brandon S. Smith  
SC Bar No. 100753  
E-Mail: brandon.smith@nelsonmullins.com  
1320 Main Street / 17th Floor  
Post Office Box 11070 (29211-1070)  
Columbia, SC 29201  
(803) 799-2000

Robert Michael Dudek  
Chief Appellate Defender  
South Carolina Commission on Indigent Defense  
Appellate Division  
1330 Lady Street, Suite 401  
Post Office Box 11589  
Columbia, SC 29201-1589  
(803) 734-1330

*Attorneys for Appellant*

I CONSENT:

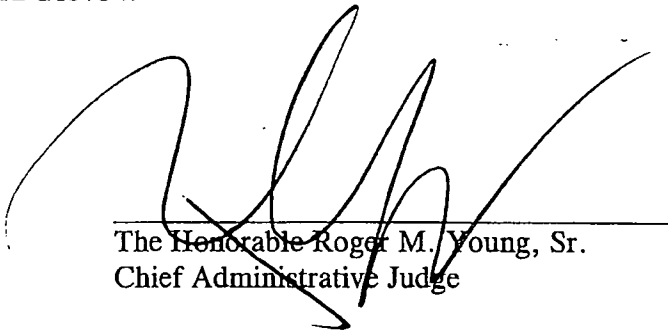


Salley W. Elliott  
State of South Carolina, Office of the Attorney General  
1000 Assembly Street, Room 519  
Columbia, SC 29201  
(803) 734-0477

*Attorney for Respondent*

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	NINTH JUDICIAL CIRCUIT
State of South Carolina,	)	Civil Action No. 2009-GS-10-8446
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	<b>ORDER GRANTING REQUEST TO</b>
James Lamont Moore,	)	<b>COPY EXHIBIT NO. 3 FROM</b>
	)	<b>CHARLESTON COUNTY COURT</b>
Defendant.	)	
	)	

Upon motion of counsel for Defendant, James Lamont Moore, this Court grants permission for the Charleston County Court, to allow counsel for Defendant, Brandon S. Smith, and members of his firm, Nelson Mullins Riley & Scarborough, LLP, to copy the video in this matter, Exhibit No. 3 – Confidential Informant Evidence, from Indictment No. 2009-GS-10-08446, which is necessary in handling the appellate case for Appellant James Lamont Moore, Case No. 2012-213734.

  
 \_\_\_\_\_  
 The Honorable Roger M. Young, Sr.  
 Chief Administrative Judge

Charleston, South Carolina  
 January 7, 2014

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 JAN 10 2014  
 SC Court of Appeals

FILED  
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 BY \_\_\_\_\_

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APPEAL FROM CHARLESTON COUNTY **SC Court of Appeals**  
Court of Common Pleas

Kristi L. Harrington, Circuit Court Judge

Case No. 2012-213734

THE STATE,..... Respondent,

v.

JAMES LAMONT MOORE, ..... Appellant.

CERTIFICATE OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellant, 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 address(es):

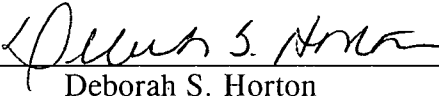
Pleadings:

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

Counsel Served:

Salley W. Elliott, Esquire  
Assistant Attorney General  
Rembert Dennis Building  
1000 Assembly Street  
Columbia, SC 29201

Robert Michael Dudek  
Chief Appellate Defender  
South Carolina Commission on Indigent Defense  
Appellate Division  
1330 Lady Street, Suite 401  
Post Office Box 11589  
Columbia, SC 29201-1589  
(803) 734-1330

  
\_\_\_\_\_  
Deborah S. Horton  
Administrative Assistant

January 10, 2014

# 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: 803.256.7500  
www.nelsonmullins.com

Brandon S. Smith  
Tel: 803.255.9582  
brandon.smith@nelsonmullins.com

January 10, 2014

**Hand Delivered**

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

RE: Appeal From Charleston County  
State of South Carolina v. James Lamont Moore  
Appellate Case No. 2012-213734  
Our File No.: 38769/01511

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of the Appellant's Second Request for Extension to File Initial Brief of Appellant and Designation of Matter, with Consent of Respondent, in the above-captioned matter. Also enclosed is our filing fee of \$25. Please file the original with your office and return a clocked-in copy to our courier.

By copy of this letter, all counsel of record are being served with a copy of same.

Very truly yours,



Brandon S. Smith

BSS:dsh

Enclosures

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

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JAN 10 2014

**SC Court of Appeals**