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APR 07 2014

Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

Appeal from Union County  
Union County General Sessions Court  
Hon. Judge John C. Hayes, Circuit Court Judge,  
Pursuant to a Conviction Dated December 8, 2011, and an Order Pursuant to the  
Appellant's Motion to Reconsider, dated January 11, 2012 and filed January 12, 2012

Docket No. 2010-GS-44-1036

Lashad Demond Brewton.....Appellant,

Versus

State of South Carolina..... Respondent.

**MOTION TO RELAX RULE 203 SCACR AND TO FILE NOTICE OF APPEAL  
OUT OF TIME**

April 1, 2014

NOW INTO COURT, comes the Appellant Lashad D. Brewton, through  
undersigned counsel, who respectfully moves this Honorable Court to relax Rule 203  
SCACR and allow the appellant to file a notice of appeal out of time, for the following  
reasons, to wit:

Appellant was convicted of Possession with Intent to Distribute Crack Cocaine on  
December 8, 2011 in Union County. Appellant, along with two co-defendants, Randy

Crosby and Roderick Pope, were tried simultaneously. All three were convicted and sentenced. After the sentencing and on the record, Appellant moved for reconsideration of his sentence and was given ten (10) days to file a memorandum in support of his motion. A memorandum was filed timely. The Trial Court rendered its decision in an Order filed January 12, 2012 in Union County.

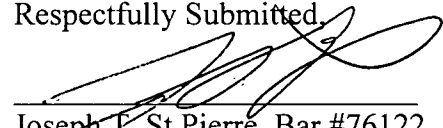
The Appellant filed a Notice of Intent to Appeal (“Notice”) dated January 19, 2012 and clocked January 20, 2012. Upon information and belief, the Clerk of Court’s Office served the State with the Notice by depositing the Notice in the Solicitor’s box in the Clerks of Court’s office, as is customary in Union County. Upon information and belief, the Solicitor was served and received the Notice on January 20, 2012 and forwarded the same to the Attorney General’s Office. Upon information and belief, the Attorney General’s Office received the Notice on Monday, January 23, 2012. The undersigned failed to file the Notice with this Court and seeks to remedy this failure, without undue prejudice to the Appellant.

Upon information and belief, co-defendants Crosby and Pope have filed appeals with this Court. The Appellant is further informed and believes that all parties involved in this process, including the Court, would benefit from the arguments being heard together. The Appellant has attached two (2) Exhibits to this Motion:

Exhibit A: Cover Letter, Order and Amended Sentence Sheet dated January 11, 2012 and filed January 12, 2012; Exhibit B: Notice of Intent to Appeal dated January 19, 2012 and filed January 20, 2012.

WHEREFORE, the Appellant, through undersigned counsel, prays that this Honorable Court will relax Rule 203 SCACR and allow Defendant to file his Notice of Appeal out of time.

Respectfully Submitted,



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Joseph T. St. Pierre, Bar #76122

Trial Attorney for Appellant,

Lashad D. Brewton

P.O. Box 722

Laurens, S.C. 29360

(864) 681-5297

(864) 681-5298 (FAX)

April 1, 2014

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Lashad D. Brewton

Appellant,

vs.


State of South Carolina

Defendant.

AFFIDIVIT OF SERVICE

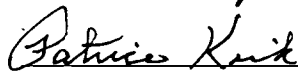
I HEREBY CERTIFY that a copy of the Motion to Relax Rule 203 SCACR and to File Notice of Appeal out of time dated April 1, 2014 was served upon the South Carolina Court of Appeals, by depositing a true and accurate copy thereof in the United States Mail, with proper postage affixed thereto, on the 2nd day of April, 2014, addressed as follows:

Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

  
\_\_\_\_\_  
Joseph St. Pierre  
Attorney at Law  
P.O. Box 722  
Laurens, SC 29360  
(864) 681-5297  
(864) 681-5298 Fax  
[joe@josephstpierre.com](mailto:joe@josephstpierre.com)

SWORN TO BEFORE ME THIS

2 day of April, 2014



Notary Public for South Carolina

My Commission expires: 3/8/22

*Joseph T. St. Pierre*  
*Attorney at Law*  
*(864) 681-5297*

April 1, 2014

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SC Court of Appeals

Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: Motion to Relex Rule 203 SCACR for Appellant Lashad D. Brewton

Dear Mrs. Kitchings:

I have attached an original and six (6) copies of the ***Motion to Relax Rule 203 SCACR and to File Notice of Appeal out of Time***. By copy of this letter, I am also serving The Appellate Defender and the Attorney General.

Furthermore, I have attached two (2) additional copies and a return envelope with proper postage for you to return to me.

Please notify me if I can provide any other information related to this filing.

Very Truly Yours,



Joe St. Pierre

Enclosures

P.O. Box 722 Laurens, SC 29360  
[joe@josephstpierre.com](mailto:joe@josephstpierre.com)  
(864) 681-5298 fax

FILE 1



*W. F. Gault*

FILE FOR RECORD

2012 JAN 12 PM 1:24

State of South Carolina

The Circuit Court of the Sixteenth Judicial Circuit

WILLIAM F. GAULT  
CLERK OF COURT  
UNION, SC

John C. Hayes, III  
Judge

Moss Justice Center, 2nd Floor  
1675-1H York Highway  
York, SC 29745-7434  
Phone: (803) 628-3047  
Fax: (803) 628-3055  
jhayesj@sccourts.org

January 11, 2012

The Honorable William F. Gault  
Clerk of Court  
Attention: Criminal Division  
P.O. Box 703  
Union, SC 29379

Re: State vs. Randy Jarrod Crosby (2010-GS-44-1039)  
State vs. Roderick Pope (2010-GS-44-1053)  
State vs. Lashad Demond Brewton (2010-GS-44-1036)

Dear Mr. Gault:

Please file the enclosed Orders regarding the above case matters. Please clock in and forward a clocked copy to counsel. Also, please find an Amended Sentencing Sheet for Lashad Demond Brewton.

Thanking you, I am

Sincerely yours,

*Frances J. Kirkman*

Frances J. Kirkman  
Administrative Assistant

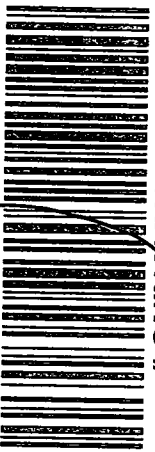
Enclosures

EXHIBIT A

Joseph T. St. Pierre  
Attorney At Law  
P.O. Box 722  
Laurens, SC 29360



**USPS TRACKING #**



9114 9012 3080 3177 1370 12

Label 400 Jan. 2013  
7690-16-000-7948

Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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**SC Court of Appeals**

