

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenwood County
The Honorable Frank R. Addy, Jr., Circuit Court Judge
Appellate Case No. 2013-000548

THE STATE,

Respondent,

v.

DONKEVIUS DURELL JONES,

Appellant.

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JUN 19 2014

SC Court of Appeals

**MOTION TO FILE INITIAL BRIEF OF APPELLANT
OUT OF TIME AND FOR EXTENSION**

Appellant, DONKEVIUS DURELL JONES, hereby moves to file the Initial Brief of Appellant out of time and for an extension of time within which to file it.

Appellant's Notice of Appeal was filed in this Court on March 11, 2013. Appellant appeals Judge Addy's restitution order of December 21, 2012, and the subsequent denial of the motion to reconsider that order on February 23, 2013. In a letter to this Court dated March 18, 2013, the Office of Appellate Defense indicated they would not accept responsibility for the appeal since it was an appeal from a restitution order. Due to the refusal of Appellate Defense to accept the appeal and the Appellant's inability to hire counsel to work on his appeal, Appellant's trial counsel had the responsibility of taking responsibility for the appeal in addition to her workload as Circuit Defender for the 8th Judicial Circuit.

Counsel received the transcript of the restitution hearing in June 2013, but did not receive the transcript of the sentencing hearing until December 3, 2013. At that point, counsel should have notified this Court that the transcript had been received, but counsel failed to do so. This failure was not

intended for the purposes of delay, but is simply attributable to counsel's heavy caseload and the fact that our office works on cases solely at the trial level and is rarely involved with the appeal of a case.

Appellant now moves to file the Initial Brief of Appellant out of time, and for an extension to July 14 2014, to file and serve the Initial Brief. This request is due to counsel's heavy workload, and is not intended for purposes of delay.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Janna A. Nelson", written over a horizontal line.

Janna A. Nelson
Attorney for Appellant
8th Circuit Public Defender's Office
600 Monument St., Box P-133
Park Plaza, Suite 208
Greenwood, SC 29646
(864) 229-9505

June 13, 2014
Greenwood, South Carolina

STATE OF SOUTH CAROLINA
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Appellant.

PROOF OF SERVICE

I, Janna A. Nelson, certify I served Appellant's Motion to File Initial Brief of Appellant Out of Time and For Extension on Respondent by depositing a copy in the United States Mail, postage prepaid, addressed to:

Salley W. Elliott, Esquire
Office of Attorney General
PO Box 11549
Columbia, SC 29211

This 13th day of June, 2014.



Janna A. Nelson
Attorney for Appellant
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PUBLIC DEFENDER

Circuit Defender for the Eighth Judicial Circuit
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Phone: 864-229-9505 Fax: 864-227-1104

Janna A. Nelson
Circuit Defender

June 13, 2014

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

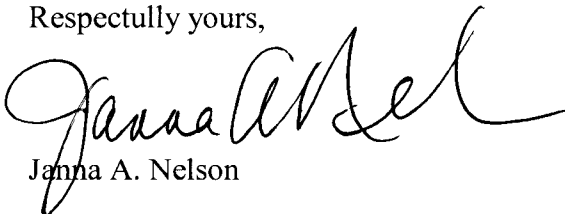
Re: The State v. Donkevious Durell Jones
Appellate Case No. 2013-000548

Dear Ms. Kitchings:

Enclosed are the original and two copies of a Motion to File Initial Brief of Appellant Out of Time and for Extension. We received the transcript of the sentencing hearing on December 3, 2013, but failed to properly notify the Court at that time, and are therefore requesting that we be allowed to file the initial brief out of time and for an extension to July 14, 2014.

Thank you for your consideration.

Respectfully yours,



Janna A. Nelson

cc: Aaron V. Taylor, Esq.
Salley W. Elliott, Esq.

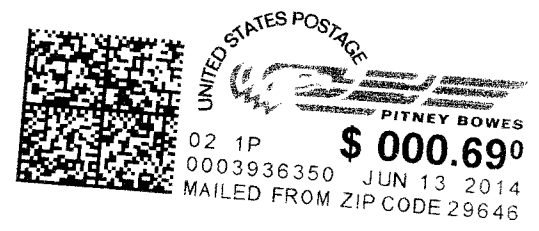
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OFFICE OF THE PUBLIC DEFENDER

Greenwood and Abbeville Counties
Suite 208, Park Plaza
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The Honorable Jenny A. Kitchings
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