

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of General Sessions

Rivers Lawton McIntosh, Circuit Court Judge

RECEIVED

JUN 19 2014

Appellate Case No.: 2013-001895

SC Court of Appeals

State of South Carolina Respondent

v.

James Richard Barteo, Jr. Appellant

**MOTION FOR EXTENSION OF TIME
TO FILE THE APPELLANT'S INITIAL BRIEF
AND DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL**

COMES NOW, Jack B. Swerling, attorney for the Appellant, requesting an extension in which to file the Initial Brief and Designation of Matter to be Included in the Record on Appeal. The Initial Brief and Designation of Matter to be Included in the Record on Appeal is due to be filed on June 20, 2014.

Appellate counsel was not the trial counsel in the case. The trial in this matter lasted six (6) days beginning on August 26, 2013, and concluded on September 3, 2013. The transcript in this matter contains one thousand one hundred fifty-seven (1,157) pages. In addition to the trial, there were several pretrial

hearings on February 8, 2013 and March 14, 2013.

The Appellant is currently incarcerated at Livesay Correctional Institution in Una, South Carolina. Appellate counsel has visited Appellant at least once since receipt of the transcript.

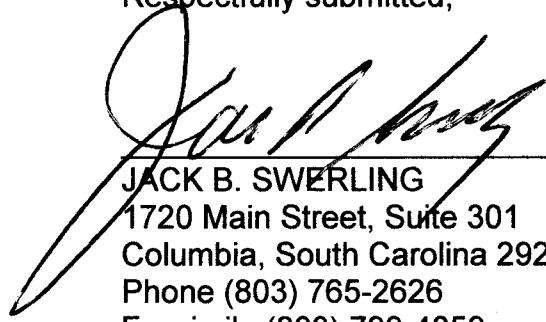
Appellate counsel is currently giving the transcript a second reading, and attempting to identify the issues to be raised on appeal. Appellate counsel is involved in a number of projects relating to his cases. Appellate counsel also believes it will be necessary to visit the Appellant again prior to the preparation of the brief in this case. Appellate counsel will be leaving to go to his nephew's wedding in San Diego, California on June 18, 2014 for six (6) days, and will not return to his office until June 24, 2014.

As a result of the above circumstances, Appellate counsel requests an additional thirty (30) days in which to file Initial Brief and Designation of Matter to be Included in the Record on Appeal.

Kellie A. Switzer, paralegal to Appellate counsel, has consulted with Salley W. Elliott, Senior Assistant Deputy Attorney General, and she has no objection and consents to the request by counsel.

WHEREFORE, counsel prays the Court will grant a thirty (30) day extension, until July 21, 2014, to file the Initial Brief and Designation of Matter to be Included in the Record on Appeal.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jack B. Swerling", is written over a horizontal line. The signature is stylized and cursive.

JACK B. SWERLING
1720 Main Street, Suite 301
Columbia, South Carolina 29201
Phone (803) 765-2626
Facsimile (803) 799-4059
Email: jacklaw@aol.com

Attorney for Appellant

June 17, 2014
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of General Sessions

Rivers Lawton McIntosh, Circuit Court Judge

Appellate Case No.: 2013-001895

RECEIVED

JUN 19 2014

SC Court of Appeals

State of South Carolina Respondent

v.

James Richard Bartee, Jr. Appellant

PROOF OF SERVICE

I, Kellie A. Switzer, certify that I have served the Initial Brief and Designation of Matter to be Included in the Record on Appeal on the following, by depositing a copy of it in the United States Mail, postage prepaid, on June 17, 2014, addressed to:

Salley W. Elliott, Senior Assistant Deputy Attorney General
Office of the South Carolina Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549

June 17, 2014



Kellie A. Switzer
Paralegal to Jack B. Swerling
1720 Main Street, Suite 301
Columbia, South Carolina 29201
Phone (803) 765-2626
Facsimile (803) 799-4059

*Law Offices of
Jack B. Swerling*

*1720 Main Street, Suite 301
Columbia, South Carolina 29201*

*Telephone 803-765-2626
Fax 803-799-4059*

June 17, 2014

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: State of South Carolina v. James Richard Bartee, Jr.
Appellate Case No.: 2013-001895

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Motion for Extension of Time to File the Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal, along with the Proof of Service, in the above referenced matter. It would be greatly appreciated if you would clock the extra copy and return it to me in the enclosed envelope.

By copy of this letter, I am serving Salley W. Elliott, Senior Assistant Deputy Attorney General, with a copy of same.

If you have any questions, do not hesitate to contact me.

Very truly yours,

Jack B. Swerling

JBS/kas
Enclosure

cc: Salley W. Elliott, Senior Assistant Deputy Attorney General
James Richard Bartee, Jr. #00356847
Elizabeth Bartee
Kenneth R. Bartee

RECEIVED

JUN 19 2014

SC Court of Appeals

*Law Offices of
Jack B. Swerling
1720 Main Street, Suite 301
Columbia, South Carolina 29201*

RECEIVED

JUN 19 2014

SC Court of Appeals



The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

