

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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AUG 07 2014

Appeal from Newberry County
The Honorable Eugene C. Griffith, Jr., Circuit Court Judge
Appellate Case Tracking No. 2012-212643

SC Court of Appeals

The State, Appellant

v.

Woodrow Mozee, Respondent

MOTION TO SERVE AND FILE FINAL BRIEF OF RESPONDENT OUT OF TIME

Respondent, through his undersigned counsel, would respectfully show unto the Court as follows:

I

The Final Brief of Respondent was due to be served and filed in April of 2014.

II

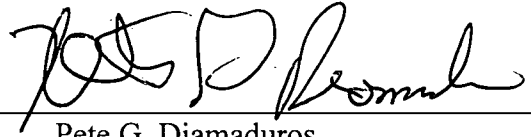
The service and filing of this brief did not occur due to the fact that the undersigned, not doing appellate work, did not realize that he was to file the Final Brief in April of 2014, but mistakenly believed he was to file the Final Brief after the appellant filed their Final Brief.

III

Now that the Appellant has filed its Final Brief, the undersigned request that this Court allow Respondent's Final Brief to be served and filed out of time. The Final Brief of Respondent is being served and filed with this motion to avoid any further delay.

WHEREFORE, Respondent prays that this Court hold this matter in abeyance until ruling on this motion, allow the brief to be declared filed and served out of time, and accept the Final Brief submitted with this motion as filed; and for such other and further relief as this Court may deem just and proper.

THE DIAMADUROS LAW FIRM

A handwritten signature in black ink, appearing to read 'Pete G. Diamaduros', written over a horizontal line.

Pete G. Diamaduros
108 W. South Street
PO Box 643
Union, South Carolina 29379
Telephone: (864) 427-5657
Facsimile: (864) 429-4744

ATTORNEY FOR RESPONDENT

August 4, 2014

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Newberry County
The Honorable Eugene C. Griffith, Jr., Circuit Court Judge
Appellate Case Tracking No. 2012-212643

The State, Appellant

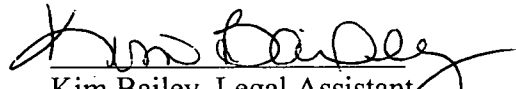
v.

Woodrow Mozee, Respondent

PROOF OF SERVICE

I, Kim Bailey, certify that I have served the Motion to Serve and File Final Brief of Appellant Out of Time on William M. Blich, Jr., Office of the South Carolina Attorney General, by depositing a copy of it in the United States Mail, postage prepaid, on August 5, 2014, addressed to Post Office Box 11549, Columbia, South Carolina 29211.

August 5, 2014


Kim Bailey, Legal Assistant

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SC Court of Appeals

THE DIAMADUROS LAW FIRM
108 W. SOUTH STREET
UNION, SOUTH CAROLINA 29379

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August 4, 2014

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

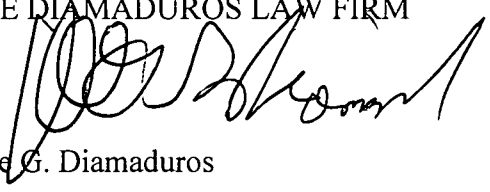
RE: The State vs. Woodrow Mozee
Appellant Case Tracking No.: 2012-212643

Dear Ms. Kitchings:

Enclosed please find the original and six copies of a Motion to Serve and File Final Brief of Appellant Out of Time along with Proof of Service for the filing in the above-referenced appeal along with an original and fifteen copies of the Final Brief of Respondent. With kindest regards, I am

Very truly yours,

THE DIAMADUROS LAW FIRM


Pete G. Diamaduros

PGD:kb

Enclosure

cc: William M. Blitch, Jr.

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