

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chesterfield County

J. Michael Baxley, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

THOMAS STEWART,

APPELLANT

RECEIVED

SEP 02 2014

SC Court of Appeals

Appellate Case No. 2012-213655

FIRST PETITION FOR EXTENSION TO FILE
REPLY BRIEF OF APPELLANT

The undersigned counsel respectfully requests a ten (10) day extension in which to file the Reply Brief of Appellant in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

1. This is the first request for extension for the Reply Brief of Appellant.
2. The Reply Brief of Appellant in this case is due on September 2, 2014.
3. The undersigned counsel is currently drafting the reply Brief but needs this additional time to complete the brief due to an unusually heavy workload involving other matters that have had intervening filing deadlines and a hearing during the initial ten day period.
4. This request is made in good faith, and not for purpose of unnecessary delay.
5. Don Zelenka, counsel for the State, consented in advance via email to an extension for additional time to complete the Reply Brief.

WHEREFORE, the undersigned counsel would respectfully request a ten (10) day extension. Counsel respectfully requests that the time limits 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: 

Jarrett Q. Coco

SC Bar No. 100577

E-Mail: jarrett.coco@nelsonmullins.com

1320 Main Street / 17th Floor

Post Office Box 11070 (29211-1070)

Columbia, SC 29201

(803) 799-2000

**SOUTH CAROLINA COMMISSION ON INDIGENT
DEFENSE**

Robert M. Dudek

E-Mail: RDudek@sccid.sc.gov

1330 Lady Street, Suite 401

PO Box 11589

(803) 734-1330

Attorneys for Appellant Thomas Stewart

September 2, 2014

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THE STATE,

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Appellate Case No. 2012-213655

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Respondent, 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 EXTENSION TO FILE INITIAL BRIEF OF APPELLANT AND DESIGNATION OF MATTER

Counsel Served:

Donald J. Zelenka, Esquire
State of South Carolina, Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211


Helen P. Smith, Administrative Assistant

September 2, 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

Jarrett O. Coco
Tel: 803.255.5536
jarrett.coco@nelsonmullins.com

September 2, 2014

HAND DELIVERED

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1015 Sumter Street - 5th Floor
Columbia, SC 29201

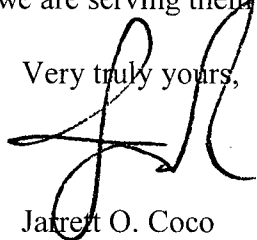
RE: The State v. Thomas Stewart
Appellate Case No. 2012-213655
Our File No.: 38769.01518

Dear Ms. Kitchings:

Enclosed please find the original and two copies of the Petition for Extension to File Initial Brief of Appellant and Designation of Matter, together with Proof of Service in the above-referenced action. We would appreciate your filing the original and returning a filed copy via our courier.

By copy of this letter to counsel of record, we are serving them with copies of the same.

Very truly yours,



Jarrett O. Coco

JOC:abb

Enclosures

cc: Donald J. Zelenka, Esquire
Robert Dudek, Esquire
Thomas Stewart

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