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THE STATE OF SOUTH CAROLINA
South Carolina Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Case No.: 2011-CP-07-04548

RECEIVED
DEC 1 9 2014
SC Court of Appeals

Appellate Case No.: 2014-001862

Theophilus Hamilton.....Appellant,

vs.

Beaufort County Sheriff's Office.....Respondent.

MOTION TO STAY TIME TO FILE INITIAL BRIEF
AND DESIGNATION OF MATTER

The Respondent, Beaufort County Sheriff's Office, move the Court for an order temporarily holding the time for filing the Respondent's Initial Brief and Designation of Matter in abeyance. The Undersigned requested a copy of a portion of the transcript taken on August 4, 2014 from the court reporter at the jury trial of the case. This request was made on October 7, 2014. (A copy of the request is attached as Exhibit A) The relevant portion of the transcript may contain information relative to an argument to be made in the Brief of the Respondent. Until we receive a copy of that transcription, the Respondent cannot determine what information and argument the brief should contain. We have recently been in contact with the Court Reporter, again, to order the

transcript. (see letter attached as Exhibit B) Since the transcript has not yet been received additional time is needed to complete the Initial Brief.

For these reasons the Respondent requests that the Court stay the time for filing the Respondent's Initial Brief and Designation of matter until thirty (30) days from the date the transcript is received.

HOWELL, GIBSON & HUGHES, P.A.

By: 

Mary Bass Lohr
Post Office Box 40
Beaufort, SC 29901
(843) 522-2400
Attorney for Respondent

Beaufort, South Carolina

December 17, 2014

Darden, Ashley

From: Ashley Darden
Sent: 10/7/2014 09:21 AM
To: mmanley@sccourts.org
CC:
BCC:

Attachments:

Priority: Normal
Request: None
Security: Normal
Deliver After 0 days(s)
Subject: CIVIL ACTION NO: 2011-CP-07-04548 {Matter No.[11007 MBL]}{Hamilton vs. Beaufort County Sheriff's Department}

Ms. Manley,

Mary Lohr is looking for a conversation held with Plaintiff counsel in connection with the above referenced matter. Therefore, I am hoping that you can provide us with a transcript of any pre-trial proceedings. The trial commenced on Monday, August 4, 2014 before Judge Goldsmith. She will not need any of the actual trial, but whatever you have before the trial began. I hope that makes sense. Please feel free to contact us with any questions or should you need any additional information.

Thanks,

Ashley Darden

Legal Assistant to Patrick M.

Higgins and Mary Bass Lohr

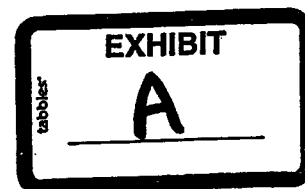
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J. ANDREW YOHO

JAMES S. GIBSON, JR *
Of Counsel

* Certified Mediator

December 9, 2014

Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Theophilus Hamilton vs. The Beaufort County Sheriff's Office
Civil Action No.: 2014-001862
Our File No.: 11007 MBL

Dear Ms. Kitchings:

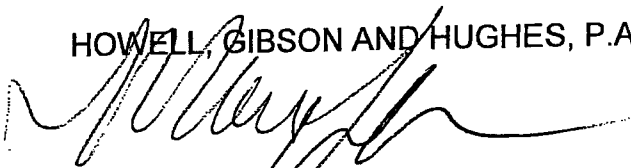
Please be advised that I have been in contact with the court reporter and have ordered the portions of the transcript referenced in the Respondent's Motion for Extension of Time to File Initial Brief and Designation of Matter filed on December 5, 2014 relative to the above captioned matter. I am enclosing a copy of the letter ordering the transcript for your information and file. By copy of this letter to opposing counsel, I am providing him with the same.

Please do not hesitate to contact me should you have any question or comment regarding any matter set forth herein.

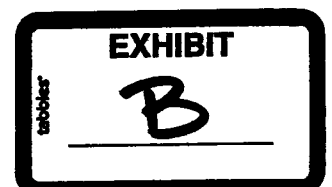
With kindest regards, I am

Yours truly,

HOWELL, GIBSON AND HUGHES, P.A.



Mary Bass Lohr
MBL/ad
Enclosure
cc: Eric J. Erickson



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December 8, 2014

Mona Manley
Official Circuit Court Reporter
South Carolina Judicial Department
Po Box 4516
Beaufort, SC 29906-4516

Re: Theophilus Hamilton vs. The Beaufort County Sheriff's Office
Civil Action No.: 2014-001862
Our File No.: 11007 MBL

Dear Ms. Manley:

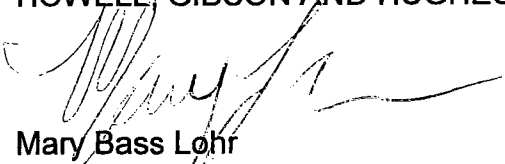
The above referenced matter commenced for trial on August 4, 2014 before the Judge Goldsmith. Please be advised that I would like to order the portion of the transcript taken on August 4, 2014 following jury selection. It is my understanding that there are thirty (30) pages of colloquy/motions. Therefore, I am enclosing a check in the amount of \$105.00 to cover the cost of the transcript.

Thank you for your assistance in this matter. Please do not hesitate to contact me should you have any question or comment regarding any matter set forth herein.

With kindest regards, I am

Yours truly,

HOWELL, GIBSON AND HUGHES, P.A.



Mary Bass Lohr
MBL/ad
Enclosure

THE STATE OF SOUTH CAROLINA
South Carolina Court of Appeals

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that she has served the foregoing Motion to Stay Time to file Initial Brief and Designation of Matter upon all counsel of record by affixing same with proper postage and placing same with the United States Postal Service on the 17th day of December, 2014 addressed to the following:

Eric J. Erickson, Esquire
Attorney at Law
2015 Boundary Street, Suite 309
Beaufort, SC 29902

SIGNATURE PAGE FOLLOWS

HOWELL, GIBSON & HUGHES, P.A.

By: 

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Post Office Box 40
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(843) 522-2400
Attorney for Respondent

Beaufort, South Carolina

December 17, 2014

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December 17, 2014

V. Claire Allen
Deputy Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: Theophilus Hamilton vs. The Beaufort County Sheriff's Office
Civil Action No.: 2014-001862
Our File No: 11007 MBL

Dear Ms. Allen:

Please find enclosed herewith for filing an original and six (6) copies of the Respondent's Motion to Stay Time file Initial Brief and Designation of Matter with regard to the above referenced matter. I would appreciate your filing the same and returning a filed clocked copy to me in the enclosed self-addressed, stamped envelope provided for your convenience.

With kindest regards, I am

Yours truly,

HOWELL, GIBSON AND HUGHES, P.A.


Mary Bass Lohr

MBL/ad

Enclosures

cc: Eric J. Erickson