

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Stephanie P. McDonald, Circuit Court Judge

Case No. 2014-002129

The State,

Appellant,

v.

Marvin Brown

Respondent.

Motion to Allow Late Filing

The State hereby requests permission to allow for the late filing of appellant's initial brief. The Ninth Circuit Solicitor's Office received the transcript of the hearing on August 7th, 2014, prior to receiving the written order that is being appealed. The Ninth Circuit Solicitor's Office received the final written order of the trial court on August 18th, 2014, and filed notice of appeal promptly.

Admittedly, the Assistant Solicitor appealing the ruling was unfamiliar with the exact process of working with the Attorney General's office in preparing appellate issues, State sought appeals being such a rare occurrence. As such, the Ninth Solicitor's Office has not yet forwarded transcripts in our possession to the assigned A.G. The State hereby requests an extension of time to work with the Attorney General's office in the preparation of this appeal. The Solicitor's Office is forwarding the transcripts of this case to the Attorney General's Office today, December 9th, 2014. We ask for the Court's permission to make a late filing of our appellate brief.

Thank you for your consideration,


Assistant Solicitor Benjamin C. Simpson

CC: Cody J. Groeber, Esquire
Salley W. Elliott, Esquire
Robert Michael Dudek, Esquire

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SC Court of Appeals

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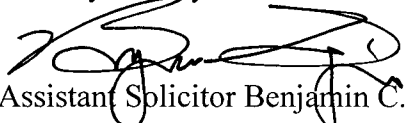
Respondent.

FIRST REQUEST FOR EXTENSION OF TIME

The State hereby requests that an extension of time be granted for the filing of the appellant's initial brief. The Ninth Circuit Solicitor's Office received the transcript of the hearing on August 7th, 2014, prior to receiving the written order that is being appealed. The Ninth Circuit Solicitor's Office received the final written order of the trial court on August 18th, 2014, and filed notice of appeal promptly.

Admittedly, the Assistant Solicitor appealing the ruling was unfamiliar with the exact process of working with the Attorney General's office in preparing appellate issues, State sought appeals being such a rare occurrence. As such, the Ninth Solicitor's Office has not yet forwarded transcripts in our possession to the assigned A.G. The State hereby requests an extension of time to work with the Attorney General's office in the preparation of this appeal. The Solicitor's Office is forwarding the transcripts of this case to the Attorney General's Office today, December 9th, 2014. We ask for a reasonable period of time to give the assigned Attorney General adequate time to review the transcripts and prepare a brief, if they choose to pursue the issue.

Thank you for your consideration,


Assistant Solicitor Benjamin C. Simpson

CC: Cody J. Groeber, Esquire
Salley W. Elliott, Esquire
Robert Michael Dudek, Esquire

PROOF OF SERVICE OF A NOTICE OF APPEAL

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Case No. 2014-002129

The State,

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Marvin Brown,

Respondent.

PROOF OF SERVICE

I certify that I have served the Motion for Extension of Time & Motion to Allow Late Filing on Marvin Brown by depositing a copy of it in the United States Mail, postage prepaid, on January 2nd, 2015, addressed to his attorney of record, Cody J. Groeber, Ninth Circuit Public Defender, 219 N. Highway 52, Suite E, Moncks Corner, South Carolina, 29461 and attorney Robert Michael Dudek, S.C. Commission on Indigent Defense.

January 2nd, 2015


Assistant Solicitor Chad Simpson
Ninth Judicial Circuit
O.T. Wallace Building
101 Meeting Street
Charleston, South Carolina 29401
(843) 958-1922
Attorney for Appellant

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SC Court of Appeals



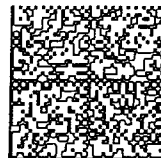
SCARLETT A. WILSON
SOLICITOR, NINTH JUDICIAL CIRCUIT

CHARLESTON AND BERKELEY COUNTIES
101 MEETING STREET
CHARLESTON, SC 29401

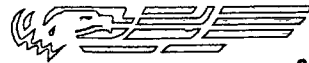
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