

5

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Knox McMahon, Circuit Court Judge

RECEIVED

JAN 09 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

KENNETH ORDELL MURRAY,

APPELLANT

APPELLATE CASE NO. 2014-000051

PETITION FOR EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

The undersigned counsel respectfully requests a thirty day extension, in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed December 8, 2014.

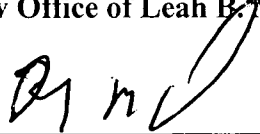
2. On January 8, 2015, Counsel received the Order granting Counsel an extension for January 7, 2015 and Counsel calculated the wrong date as being January 12, 2015. On January 5, 2015, Counsel contacted the Court of Appeals Clerk's Office to find out if the extension was granted and check the due date and left a message. On January 6, 2015 at 5:01 p.m., Counsel received a message from the Clerk's Office stating the Order was mailed. Counsel

received the Order on January 8, 2015. However, the Order granted the extension to file the initial brief on January 7, 2015.

3. Counsel makes this request in good faith, and not for purposes of delay.

WHEREFORE, the undersigned counsel would respectfully request a thirty 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,
Law Office of Leah B. Moody, LLC



Leah B. Moody, Attorney for Appellate
235 East Main Street, Suite 115
Rock Hill, South Carolina 29730
(803) 327-4192 telephone
(803) 329-1344 facsimile
Lbmatty@comporium.net

Robert M. Dudek, Esquire
1330 Lady Street, Suite 401
Post Office Box 11589
Columbia, South Carolina 29201-1589

ATTORNEYS FOR APPELLANT

January 9th, 2015

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

Knox McMahon, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KENNETH ORDELL MURRAY,

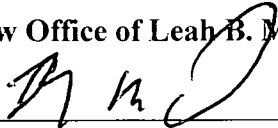
APPELLANT

APPELLATE CASE NO. 2014-000051.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the petition for extension to file the initial brief of appellant out of time, petition for extension to the file initial brief of appellant and designation of matter in the above-referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 9th day of January, 2015.

Law Office of Leah B. Moody, LLC



Leah B. Moody, Attorney for Appellate
235 East Main Street, Suite 115
Rock Hill, South Carolina 29730
(803) 327-4192 telephone
(803) 329-1344 facsimile
Lbmatty@comporium.net

Robert M. Dudek, Esquire
1330 Lady Street, Suite 401

Post Office Box 11589
Columbia, South Carolina 29201-1589

SUBSCRIBED AND SWORN TO before me
this 9th day of January, 2015.

Burley Reed (L.S.)

Notary Public for South Carolina

My Commission Expires: October 24, 2021

5

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Knox McMahon, Circuit Court Judge

RECEIVED

JAN 09 2015

SC Court of Appeals

THE STATE,
RESPONDENT,

V.

KENNETH ORDELL MURRAY,
APPELLANT

APPELLATE CASE NO. 2014-000051

MOTION TO FILE
OUT OF TIME

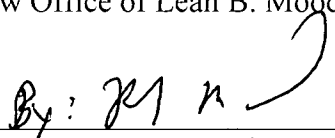
Counsel for Kenneth Ordell Murray respectfully moves to file an extension request out of time. In support of this petition, counsel shows:

- (1) The petition for the initial brief of appellant were due to filed on January 7, 2015.
- (2) Counsel intended to file the initial brief on January 12, 2015 based calendar calculation.
- (3) Counsel inadvertently failed to file by the Order date of the Court in a timely manner as the Order has a different calendar date, January 8, 2015 according to the Order received on January 8, 2015.
- (4) As indicated by her signature below, Salley W. Elliott of the Attorney General's Office, does not oppose this request.

For these reasons, counsel for appellant, asks the Court to allow the extension request to be filed out of time.

Respectfully submitted,

Law Office of Leah B. Moody, LLC

By: 

Leah B. Moody, Esquire
235 E. Main Street, Suite 115
Post Office Box 1015
Rock Hill, South Carolina 29731

Robert M. Dudek, Esquire
1330 Lady Street, Suite 401
Post Office Box 11589
Columbia, South Carolina 29201-1589

Attorneys for Appellant

I do not oppose:



Salley W. Elliott, Esquire