

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

Case No. 2014-001871

RECEIVED

FEB 20 2015

SC Court of Appeals

State of South CarolinaRespondent,

v.

John Barra,Appellant,

**MOTION TO FILE INITIAL BRIEFS OUT OF TIME AND FOR EXTENSION OF
TIME**


Appellant, by and through undersigned counsel, respectfully moves this Honorable Court for an Order granting an extension of time to file his Initial Brief. Appellant's counsel has consulted with Respondent's counsel regarding this motion who indicated no objection to the extension.

The grounds for this motion are that the Appellant's counsel's office was without his paralegal from November 26, 2014 until January 5, 2014, due to major medical procedure. The office staffs one other paralegal, and the office hired a temporary employee to while the paralegal recovered from her surgery. On December 10, 2014, while Appellant's counsel was attending depositions at another law office, the other paralegal was driven to the hospital on an expedited basis by Appellant's counsel's law partner due to complications with her pregnancy, and she delivered her child that same day.

There are no other legal assistants or other staff in this office, and the temporary employee was utilized during this time to assist with letters, pleadings, mail, telephone, and any other matters needing attention. It recently came to Appellant's counsel's attention during a file audit that the transcript was received on December 10, 2014, as indicated by a time-stamp placed on the back, apparently by the temporary employee. However, the deadline to file the initial brief was not marked on Appellant's calendar. Now, Appellant's counsel requests additional time to prepare the initial brief and have the case decided on its merits.

Therefore, Appellant requests a 60-day extension from the initial deadline of January 9, 2015 and permission to file out of time, making the initial brief due on March 10, 2015. No extension to file the initial brief has been previously granted.

FUTERAL & NELSON, LLC


Thomas C. Nelson, Esquire
S.C. Bar ID 71178
Post Office Box 1385
Mt. Pleasant, South Carolina 29465-1543
Telephone (843) 284-5500 ext. 226
Facsimile (843) 284-5501 sub. 226
email to: tnelson@charlestonlaw.net

Dated: 2/16/15

Attorney for Appellant

September 22, 2014

Susan Perron
P.O. Box 31865
Charleston, South Carolina

RE: State of South Carolina v. John Barra
Case No.: 2013-CP-10-5074

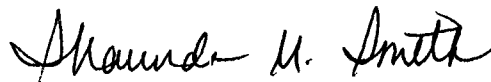
Dear Ms. Perron:

This letter will serve as a request for the transcript relative to the above matter. The matter was heard in front of Judge J.C. Nicholson, Jr., on July 15, 2014 in the Charleston County Court of Common Pleas.

If you have any questions or require anything further pursuant to this request, please contact me. Thank you.

With kind regards, I am,

Sincerely,



Shaunda M. Smith
Paralegal

/sms

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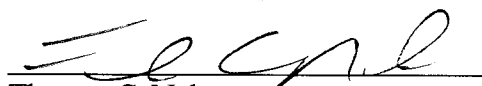
PROOF OF SERVICE

I hereby certify that I have served the Motion to File Initial Briefs Out of Time and for Extension of Time on the following by United States Mail, postage prepaid, on February 18, 2015, addressed as follows:

Salley W. Elliott, Esquire
Office of Attorney General
Rembert C. Dennis Building
Post Office Building 11549
Columbia, South Carolina 29211-1549

Frances Daniel Austin, Esquire
City of North Charleston Municipal Court
2500 City Hall Lane
Charleston, SC 29406

FUTERAL & NELSON, LLC



Thomas C. Nelson
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Telephone (843) 284-5500
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Email to: tnelson@charlestonlaw.net

Dated: February 18, 2015

Attorney for Appellant

February 18, 2015

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

Re: State, Respondent v. John Barra, Appellant
Case No.: 2014-001871

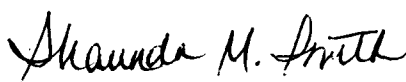
Dear Ms. Kitchings:

Please find enclosed an original and seven (7) copies each of *Motion to File Initial Briefs Out of Time and for Extension of Time along with Proof of Service* for the above-referenced matter. Please file the originals and return one clocked copy to this office in the envelope provided. Should you have any questions, please feel free to contact our office.

By copy of this letter, I am serving Frances Daniel Austin, Esquire, and Salley W. Elliott, Esquire. Thank you for your attention to this matter.

With kind regards, I am,

Sincerely,



Shaunda M. Smith
Paralegal

/sms

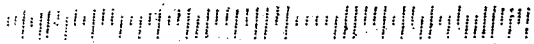
Enclosure(s): As stated

cc: Frances Daniel Austin, Esquire
Salley W. Elliott, Esquire

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FEB 20 2015

SC Court of Appeals



Futeral & Nelson_{llc}
Attorneys Serving the Lowcountry

1004 Anna Knapp Blvd.
Mount Pleasant, South Carolina 29464

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FEB 24 2015

SC Court of Appeals

South Carolina Court of Appeals
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Post Office Box 11629
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