

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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MAY 05 2015

Appeal from Greenville County  
Honorable Letitia H. Verdin, Circuit Court Judge  
Appellate Case No. 2013-001562

SC Court of Appeals

THE STATE,

Respondent,

vs

Antonio Emerson Tate,

Appellant

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**MOTION TO FILE BRIEF OUT OF TIME  
AND REQUEST FOR EXTENSION**

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COMES NOW, the State, above named, by and through the undersigned counsel, and submits its Motion to File Brief Out of Time and Request for Extension, and in support thereof states as follows

The Final Brief of Respondent in the above captioned matter was due to be filed and served on April 13, 2015. Unfortunately, the deadline for the final briefs was inadvertently mis-calendared for April 24, 2015. Respondent's Brief was in fact filed on April 24, 2015. Subsequently, this Court advised Respondent the Final Briefs were due on April 13, 2015 and counsel for Respondent first became aware of the error.

Accordingly, due to this inadvertent mis-calendaring, the undersigned respectfully requests that the already filed Final Briefs be accepted out of time

WHEREFORE, it is respectfully requested that this motion be granted

Respectfully submitted,

ALAN WILSON  
Attorney General

MEGAN B BURCHSTEAD  
Assistant Attorney General

Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR RESPONDENT

By

  
Megan B Burchstead, AAG

Columbia, South Carolina  
May 5, 2015

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**CERTIFICATE OF SERVICE**

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I, Megan B. Burchstead, Counsel for the Respondent, certify that I have today served the within Motion to File Brief Out of Time and Request for Extension upon the Petitioner by depositing a copy in the United States Mail, postage prepaid, addressed to his attorney of record, Wendy J. Keefer, Esquire, Keefer 7 Keefer, LLC, 1643B Savannah Hwy, Suite 226, Charleston, SC 29407. I further certify that all parties required by Rule to be served have been served this 5th day of May, 2015.

  
Megan B. Burchstead  
Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3724  
**Attorney for the Respondent**



ALAN WILSON  
ATTORNEY GENERAL

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**SC Court of Appeals**

May 5, 2015

Honorable Jenny A Kitchings  
1015 Sumter Street  
P O Box 11629  
Columbia, SC 29211

VIA HAND DELIVERY

RE State v Antonio Emerson Tate  
Appellate Case No 2013-001562

Dear Ms Kitchings

Enclosed please find the original and six (6) copies of the Motion to File Brief Out of Time and Request for Extension for filing in your office

Sincerely,

Megan B Burchstead  
Assistant Attorney General

MBB/  
Enclosure

cc Wendy J Keefer, Esquire



**ALAN WILSON**  
**ATTORNEY GENERAL**  
**STATE OF SOUTH CAROLINA**  
**POST OFFICE BOX 11549**  
**COLUMBIA, SOUTH CAROLINA**  
**29211-1549**

**ATTN: STATE GRAND JURY**

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**MAY 05 2015**

**SC Court of Appeals**

Honorable Jenny A. Kitchings  
1015 Sumter Street  
P.O. Box 11629  
Columbia, SC 29211

**VIA HAND DELIVERY**