

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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**RECEIVED**  
MAY 12 2015  
SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Letitia H. Verdin, Circuit Court Judge

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Case No. 2013-001562

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The State of South Carolina, ..... Respondent,

v.

Antonio Emerson Tate, ..... Appellant.

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APPELLANT'S RESPONSE IN OPPOSITION TO  
RESPONDENT'S MOTION TO FILE BRIEF OUT OF TIME

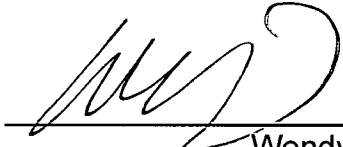
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Based on the clear deadlines set forth in Rule 211 of the SCACR and the time of serving the Record on Appeal, which service was made on March 23, 2015 as evidenced by the Proof of Service filed by Appellant, Final Briefs from all parties were due on or before April 13, 2015. Appellant timely filed his Final Brief and Final Reply Brief on April 10, 2015, a few days early.

Despite likely receiving Appellant's Final Briefs on or around the time its own Final Briefs were due, Respondent still waited until April 24 to file its Final Brief. No explanation is provided for this failure to file timely other than a mistake in calendaring the deadline. Where the deadlines are clear and where Respondent's receipt of Appellant's Final Briefs should have at least

triggered a review of the calendared deadline to ensure timely filing, Respondent should not now be permitted to file any Final Brief and the Motion to File Brief Out of Time – which motion was only made after notice from the Court of the need for same – should be denied.

Respectfully Submitted



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Wendy J. Keefer  
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Charleston, South Carolina 29407  
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May 9, 2015

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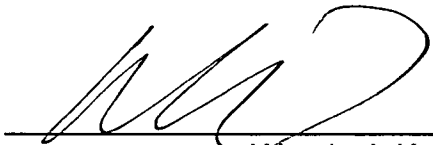
The State of South Carolina, ..... Respondent,

v.

Antonio Emerson Tate, ..... Appellant.

PROOF OF SERVICE

I certify that I have served that Appellant's Response in Opposition to Respondent's Motion to File Brief Out of Time, by depositing a copy of it in the United States Mail, postage prepaid, on May 9, 2015, addressed to attorneys of record, Salley W. Elliott, Megan B. Burchstead, and Alan McCrory Wilson at the S.C. Attorney General's Office, Post Office Box 11549, Columbia, South Carolina 29211:

  
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SC Court of Appeals

May 9, 2015

Via U.S. Mail

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

Re: The State of South Carolina v. Antonio Emerson Tate  
Case No. 2013-001562

Dear Clerk:

Enclosed for filing please find an original and six (6) copies of the Appellant's Response in Opposition to Respondent's Motion to File Brief Out of Time, along with proof of service of same.

I would greatly appreciate your returning a filed copy to me in the enclosed, stamped return envelope. Should you have any questions, please do not hesitate to contact me.

Sincerely,

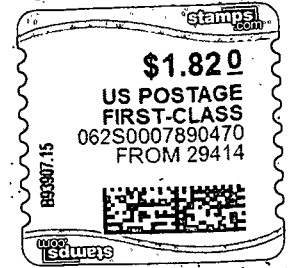
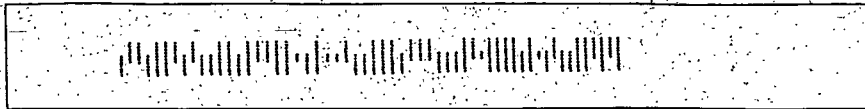
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cc: Alan McCrory Wilson  
Salley W. Elliott  
Megan B. Burchstead

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