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THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

**RECEIVED**

JUN 11 2015

APPEAL FROM GREENWOOD COUNTY  
Court of General Sessions

SC Court of Appeals

Thomas L. Hughston, Jr., Circuit Court Judge

2014-000980

The State .....Respondent

v.

Rodney Lee Rogers, Sr. ....Appellant.

**MOTION TO FILE FINAL BRIEF OF APPELLANT  
AND FINAL REPLY BRIEF OF APPELLANT  
OUT OF TIME**

O. W. Bannister  
BANNISTER, WYATT & STALVEY, LLC  
401 Pettigru Street (29601)  
P. O. Box 10007 (29603)  
Greenville, South Carolina  
*Attorney for Appellant*

Other Counsel of Record:

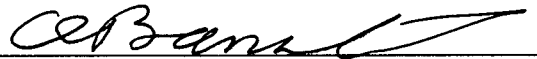
Alan Wilson, Esq.  
Attorney General  
David Spencer, Esq.  
Sr. Asst. Deputy Attorney General  
P.O. Box 11549  
Columbia, SC 29211-1549  
ATTORNEYS FOR RESPONDENT

David M. Stumbo, Esq.  
Solicitor, Eighth Judicial Circuit  
P.O. Box 516  
Greenwood, SC 29649-0516  
ATTORNEY FOR RESPONDENT

NOW COMES the Appellant, Rodney Lee Rogers, Sr., by and through his undersigned counsel, who moves the Honorable Court, pursuant to Rule 240, S.C.A.C.R., to accept the Final Brief of the Appellant and the Final Reply Brief of Appellant which were filed out of time. Grounds for the said Motion are as follows:

- 1) Appellant's attorney's unusually heavy trial docket and schedule.
- 2) Appellant's error has not prejudiced or otherwise inconvenienced the Respondent.

BANNISTER, WYATT & STALVEY, LLC



O. W. Bannister  
SC Bar No. 506; Fed. ID No. 1184  
401 Pettigru Street (29601)  
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Phone: (864) 298-0084; Fax: (864) 298-0146  
*Attorney for Appellant*

June 9, 2015

THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

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APPEAL FROM GREENWOOD COUNTY  
Court of General Sessions

Thomas L. Hughston, Jr., Circuit Court Judge

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2014-000980

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The State .....Respondent

v.

Rodney Lee Rogers, Sr. ....Appellant.

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PROOF OF SERVICE

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The undersigned certifies that a true copy of the foregoing:

1. Final Reply Brief of Appellant;
2. Final Brief of Appellant; and
3. Motion to File Out of Time.

was this day mailed, postage prepaid, to:

Alan Wilson, Esq., Attorney General  
David Spencer, Esq.  
Sr. Asst. Deputy Attorney General  
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Columbia, SC 29211-1549

David M. Stumbo, Esq.  
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June 9, 2015

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June 9, 2015

Jenny Abbott Kitchings, Clerk  
S.C. Court of Appeals  
P. O. Box 11629  
Columbia, South Carolina 29211

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JUN 11 2015

SC Court of Appeals

Re: **The State vs. Rodney Lee Rogers, Sr.**  
**Appellate Case No.: 2014-000980**

Dear Ms. Kitchings:

Enclosed please find the following documents regarding the above referenced matter:

1. Motion To File Final Brief of Appellant and Final Reply Brief of Appellant Out of Time and six (6) copies;
2. Final Reply Brief of Appellant and fifteen (15) copies;
3. Final Brief of Appellant and fifteen (15) copies;
4. Proof of Service;
5. Our firm's Operating Account Check Number 2116 in the amount of \$25.00;

By copy of this letter, I am providing a copy of the aforementioned to opposing counsel. Please return a clocked-in copy of the Final Reply Brief of Appellant and Final Brief of Appellant back to me in the self-addressed, stamped envelope provided.

Please let me know if you need anything further from our office.

Yours truly,

BANNISTER, WYATT & STALVEY, LLC

*O. W. Bannister /cpa*

O. W. Bannister

OWB:cpa  
Enclosures

cc: David Spencer, Esq.  
David M. Stumbo, Esq.

neopost<sup>SM</sup>  
06/09/2015

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