

STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

JUL 01 2015

**SC Court of Appeals**

Appeal from Richland County  
Robert E. Hood, Circuit Court Judge

Appellate Case No: 2014-001203

THE STATE.

Respondent,

v.

ROBERT ANTONIO GUINYARD,

Appellant.

**MOTION TO FILE INITIAL BRIEF OF RESPONDENT  
AND DESIGNATION OF MATTER OUT OF TIME**

Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter, as the result of orders granting extensions, was due yesterday, Tuesday, June 30, 2015.

II.

The undersigned counsel finished the Initial Brief of Respondent and Designation of Matter late on the night of June 30, 2015, and, rushing to get it in the mail to both opposing counsel and the Court, mailed them to opposing counsel and this Court without a cover letter.

III.

The undersigned counsel believes that she left her office in time to deposit the Initial Brief and Designation of Matter in the mail at the U.S. Post Office on Assembly Street in downtown Columbia before midnight, but is now concerned that she may not have (sometime after her arrival home after going by the post office, she noticed the time as being 12:41 a.m. and she is not sure how much time had passed since she had arrived home). If in fact, the undersigned counsel did not deposit the envelopes to opposing counsel and the Court by midnight, she does not wish to sign a proof of service that is not correct.

IV.

Under Rule 263, SCACR, this Court has the discretion to allow for the service and filing of Initial Brief of Respondent and Designation of Matter out of time.

V.

The undersigned counsel has contacted Matthew G. Gerrald and Robert M. Dudek, counsel for Appellant. Mr. Gerrald emailed that he does not object to this motion.

WHEREFORE, Respondent prays that the Court grant this motion and allow for the filing of the Initial Brief of Respondent and Designation out of time so as to cover the service and filing of the Brief and Designation if they were deposited shortly after 12:00 a.m. on July 1; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN MCCRORY WILSON  
Attorney General

AMIE L. CLIFFORD  
Special Assistant Attorney General  
aclifford@cpc.sc.gov

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

DANIEL E. JOHNSON  
Solicitor, Fifth Judicial Circuit

P.O. Box 192  
Columbia, South Carolina 29202  
(803) 576-1800

BY:   
ATTORNEYS FOR RESPONDENT

July 1, 2015

Columbia, South Carolina

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**PROOF OF SERVICE**

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I, Anne Mueller, certify that I have today served the Motion to File Initial Brief of Respondent and Designation of Matter Out of Time on Appellant by depositing one copy of the same in the United States mail, postage prepaid, addressed to each of his two attorneys of record, Matthew G. Gerald, Esquire, Barnes, Alford, Stork & Johnson, LLP, P.O. Box 8448, Columbia, South Carolina 29202; and Robert M. Dudek, South Carolina Commission of Indigent Defense, Office of Appellate Defense, P.O. Box 11589, Columbia, South Carolina 29211.

I further certify that all parties required by Rule to be served have been served.



ANNE MUELLER  
Administrative Assistant  
Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

July 1, 2015

Columbia, South Carolina

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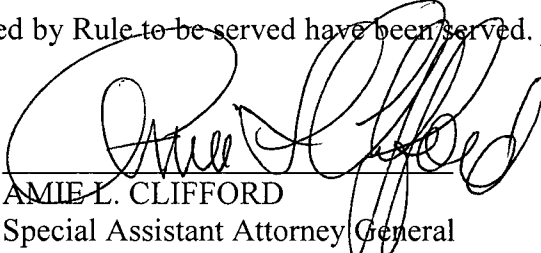
ROBERT ANTONIO GUINYARD,

Appellant.

**PROOF OF SERVICE**

I, Amie L. Clifford, certify that I have served the Initial Brief of Respondent and Designation of Matter Out of Time on Appellant by depositing, either just before midnight on June 30 or shortly after midnight on July 1, 2015, one copy of the same in the United States mail, postage prepaid, addressed to each of his two attorneys of record, Matthew G. Gerald, Esquire, Barnes, Alford, Stork & Johnson, LLP, P.O. Box 8448, Columbia, South Carolina 29202; and Robert M. Dudek, South Carolina Commission of Indigent Defense, Office of Appellate Defense, P.O. Box 11589, Columbia, South Carolina 29211.

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AMIE L. CLIFFORD  
Special Assistant Attorney General  
Administrative Assistant  
Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

July 1, 2015

Columbia, South Carolina



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SC Court of Appeals

ALAN WILSON  
ATTORNEY GENERAL

July 1, 2015

Honorable Jenny Abbott Kitchings  
Clerk of Court, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

Re: *State v. Robert Antonio Guinyard* (Appellate Case No. 2014-001203)

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the State's Motion to File Initial Brief of Respondent and Designation of Matter Out of Time in the above-referenced case. I have also enclosed the original Proof of Service for this Motion, as well as for the Initial Brief of Respondent and Designation of Matter (since the timing of service is the subject of the motion).

By copy of this letter, opposing counsel, who does not object to this motion, is being served with a copy of it.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

Amie L. Clifford  
Special Assistant Attorney General  
aclifford@cpc.sc.gov  
S.C. Bar No. 1285

Enclosures

cc: Matthew G. Gerrald, Esquire, Counsel for Appellant  
Robert M. Dudek, Chief Appellate Defender, Counsel for Appellant  
(each with one copy of the Motion and Proof of Service)

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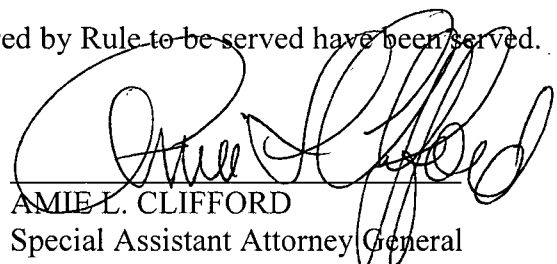
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AMIE L. CLIFFORD  
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Administrative Assistant  
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July 1, 2015

Columbia, South Carolina