

STATE OF SOUTH CAROLINA

In the Court of Appeals

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

Appellate Case No: 2014-001198

RECEIVED

JUL 01 2015

SC Court of Appeals

THE STATE.

Respondent,

v.

COURTNEY SHANTE THOMPSON,

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, were 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 all for the service and filing of Initial Brief of Respondent and Designation of Matter out of time.

V.

The undersigned counsel has emailed Mitzi Campbell Williams and Robert M. Dudek, counsel for Appellant, and attempted to contact Ms. Williams by telephone.

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,

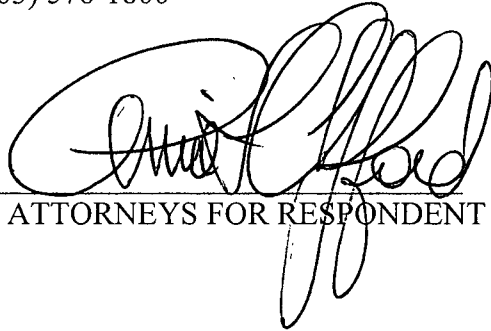
ALAN MCCRORY WILSON
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Columbia, South Carolina 29211
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BY: 
ATTORNEYS FOR RESPONDENT

July 1, 2015

Columbia, South Carolina

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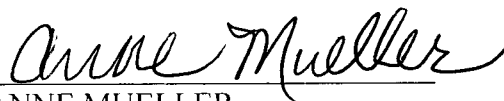
COURTNEY SHANTE THOMPSON,

Appellant.

PROOF OF SERVICE

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, Mitzi Campbell Williams, Esquire, P.O. Box 84171, Lexington, South Carolina 29073; 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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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. Courtney Shante Thompson* (Appellate Case No. 2014-001198)

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 I attempted to contact about the 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: Mitzi Campbell Williams, Counsel for Appellant
Robert M. Dudek, Chief Appellate Defender, Counsel for Appellant
(each with one copy of the Motion and Proof of Service)