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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Session

J.C. Nicholson, Jr., Circuit Court Judge

Appellate Case No. 2014-002288
Case No. 2011-GS-40-05012

The State,Respondent,

v.

Hank Eric Hawes,Appellant

CONSENT MOTION FOR FINAL EXTENSION OF TIME TO FILE
APPELLANT'S INITIAL BRIEF AND DESIGNATION OF MATTER

Pursuant to Rules 208(a)(3) and 240 of the South Carolina Appellate Court Rules, Appellant Hank E. Hawes requests a final 30-day extension of time to file his Initial Brief and Designation of Matter to be Included in the Record on Appeal. This will be Mr. Hawes' final request for an extension of time. Opposing counsel has consented to this request. (See attached.) No prejudice will be caused to either party by this extension.

This request is made due to undersigned counsels' other court deadlines, including the preparation of a petition for certiorari at the United States Supreme Court in a pro bono death penalty appeal filed just days ago. In addition, co-counsel Robert Dudek of the Office of Indigent Defense has likewise had numerous other matters and court deadlines that have prevented him from giving his attention to this appeal.

The current deadline for Appellant's Brief and Designation is September 11, 2015. According to counsel's calculations, this request would make the new deadline

October 12, 2015. We also ask that the Court hold the current deadline in abeyance until an Order is issued on this request.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

Miles E. Coleman
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(803) 799-2000

September 11, 2015

Columbia, South Carolina

Exhibit A
(Opposing Counsel Consent)

Miles Coleman

From: Don Zelenka <DZelenka@scag.gov>
Sent: Friday, September 11, 2015 12:12 PM
To: Miles Coleman
Cc: Don Zelenka; Lonnie Brawley
Subject: RE: Request for consent to final extension in appeal of State v. Hawes

Miles -

I have no objection to your request.

Don Zelenka
Donald J. Zelenka
Senior Assistant Deputy Attorney General
South Carolina Office of the Attorney General
P. O. Box 11549
Columbia, S.C. 29211
803-734-3601
dzelenka@scag.gov

From: Miles Coleman [<mailto:Miles.Coleman@nelsonmullins.com>]
Sent: Friday, September 11, 2015 11:52 AM
To: Don Zelenka
Subject: Request for consent to final extension in appeal of State v. Hawes

Don,

I will be moving for a final 30-day extension to file our initial brief and designation in the appeal of *State v. Hawes* (appellate case No. 2014-002288). I've been extraordinarily busy in my private civil practice recently and, in addition, had to prepare and file a petition for certiorari at the U.S. Supreme Court in a pro bono death penalty appeal just a few days ago.

Do you consent to our request for a final extension of time in the *Hawes* appeal? I appreciate your consideration.

Miles

Nelson Mullins

Miles Coleman
Attorney at Law
miles.coleman@nelsonmullins.com

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[\(View Bio\)](#)

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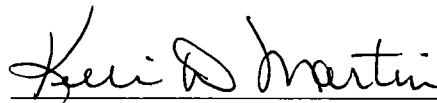
The State,Respondent,

v.

Hank Eric Hawes,Appellant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the *Consent Motion for Final Extension of Time to File Appellant's Initial Brief and Designation of Matter* in the above reference case has been served upon Robert Dudek, Esquire, Chief Appellate Defender, Commission on Indigent Defense, Appellate Division, PO Box 11589, Columbia, South Carolina 29211; Donald J. Zelenka, Esquire, SC Attorney General's Office, P. O. Box 11549, Columbia, SC 29211-1549; Daniel Edward Johnson, Esquire and Luck Campbell, Esquire, Fifth Circuit Solicitor's Office, 1701 Main St., 3rd FL, Columbia, SC 29201 this 11th day of September, 2015.



Kelli Diamond Martin
Administrative Assistant

Nelson Mullins

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Miles E. Coleman
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September 11, 2015

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
The South Carolina Court of Appeals
1015 Sumter Street - 5th Floor
Columbia, South Carolina 29201

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SC Court of Appeals

RE: State v. Hank E. Hawes
Appellate Case No. 2014-002288
Case No. 2011-GS-40-05012
Our File No. 38769/01526

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of Appellant's consent motion for a 30-day extension of time in which to file his Initial Brief and Designation in the above-captioned matter. We would ask that you file the original and return a clocked-in copy to us via our courier. Because this is a criminal appeal, no filing fee is required pursuant to Rule 240(d), SCACR.

With kind regards, I remain

Sincerely,



Miles E. Coleman

cc: Robert Dudek, Esq.
Don Zelenka, Esq.
Dan Johnson, Esq.
Luck Campbell, Esq.