

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Allendale County
The Honorable H. William Seals, Jr., Circuit Court Judge
Appellate Case No. 2011-197633

THE STATE,

RESPONDENT

RECEIVED

SEP 05 2012

V.

MARQUIS SENTEL BREELAND,

SC Court of Appeals

APPELLANT.

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

The undersigned counsel would respectfully request a thirty (30) day extension and permission to file the Initial Brief of Respondent in the above-referenced case out of time.

In support of this motion, counsel would respectfully show the Court the following:

The Initial Brief of Respondent was due August 6, 2012, upon this Court's grant of Respondent's third request for an extension filed on July 24, 2012.

The undersigned attorney for the Respondent placed the original Initial Brief of Respondent in the mail to this Court on August 6, 2012, and mailed copies to opposing counsel at the same time.

Counsel for Respondent was advised by counsel for Appellant that Appellant never received the copies of the Initial Brief of Respondent that were mailed on August 6, 2012.

Counsel has subsequently learned that this Court also did not receive the Initial Brief of Respondent in this case.

In light of the fact that neither this Court nor counsel for Respondent has received the copies of the Initial Brief of Respondent that were mailed on August 6, 2012, counsel for Respondent is re-serving the Initial Brief of Respondent upon counsel for Appellant today. Since this service would be outside the deadline set forth by this Court in its Order filed on July 24, 2012, counsel for Respondent respectfully requests permission to file the enclosed Initial Brief out of time. Counsel for Respondent would further request that if this Court grants Respondent's motion, any subsequent deadline based upon the filing and service of Respondent's Initial Brief be based upon this date of service.

This request is made in good faith, and not for the purposes of delay.

WHEREFORE, premises considered, counsel hereby respectfully requests permission to serve and file the Initial Brief of Respondent and Designation of Matter out of time.

Respectfully submitted,

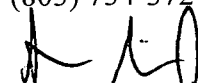
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BY:



ALPHONSO SIMON, JR.
Bar No. 74713
ATTORNEYS FOR RESPONDENT

September 5, 2012.

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THE STATE,

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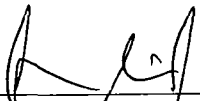
APPELLANT.

PROOF OF SERVICE

I, Alphonso Simon, Jr., of Counsel for the Respondent, certify that I have served the within Motion to File Initial Brief of Respondent and Designation of Matter Out of Time and the Initial Brief of Respondent via United States Mail, first class, postage prepaid to his attorney of record, Susan Hackett, Esq., SCCID, Division of Appellate Defense, 1330 Lady Street, Ste. #401, Columbia, SC 29201.

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

This 5th day of September, 2012.



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