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SC Court of Appeals

The South Carolina Court of Appeals

The State of South Carolina,
Respondent,

Appellate case no.

v.

2015-001710

Arthur L. Niles,
Appellant

MOTION FOR LATE FILING

The Appellant, Arthur L. Niles, in pro se, do hereby asks this court, pursuant to its broad discretionary powers, to allow late filing of the notice of appeal in the above captioned case. In support of this request, appellant states the following:

- In Houston v. Lack, ___ U.S. ___ (1976), the U.S. Supreme Court held that a prisoner's pleading is deemed filed at moment of delivery to prison authorities for forward to the court.

- Appellant pleaded guilty on April 6, 1993

and was sentenced to 15 years sus-
pended to 10 years and 5 years pro-
bation, in the General Session Court,
Kingstree, South Carolina, to Assault
and Battery with intent to kill. Follow-
ing sentencing, the appellant served
a copy upon the Respondent and sub-
mitted his Notice of appeal in a
timely manner. Therefore, the
Notice of appeal was served within
the time limitation as stated in
S.C. Rules of Crim. P.

Based on the above analysis, this court
should allow late filing of the notice
of appeal if not received by the court
in a timely fashion.

October 31, 2015

Arthur L. Niles

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Arthur L. Niles,
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CERTIFICATE OF SERVICE

I, Arthur L. Niles, certify that on this 31st day of October, 2015, a copy of the 'Motion For Late Filing' was served on the Respondent addressed below by via U.S. mail with pre-paid postage.

Alan McCroy Wilson, Esquire
Office of the S.C. Attorney General
P.O. Box 11549
Columbia, SC 29201

Arthur L. Niles

Inmate Name: Arthur Nites

Register Number: 97288-071

United States Penitentiary

P.O. Box 1000

Lewisburg, PA 17837

HARRISBURG PA 171

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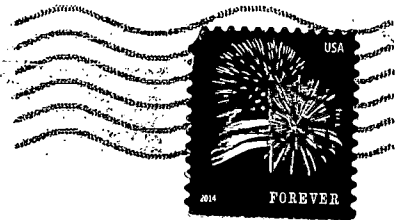
SC Court of Appeals

V. Claire Allen, Deputy Clerk

S.C. Court of Appeals

P.O. Box 11629

Columbia, SC 29211



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