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MOTION TO FILE OUT OF TIME

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals
Appellate Case No. 2015-002367

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Tanya Gee, Circuit Court Judge

Orlando I. Brown, Pro Se,

Appellant,

v.

The State Of South Carolina,

Respondent.

Motion To File Out Of Time

Orlando I. Brown
440 Rimer Pond Road
Blythewood, S.C. 29016
(803) 477-0098
Pro Se

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NOV 24 2015
SC Court of Appeals

I. **MEMORANDUM**

When I first started reading the rules of appellate procedure, I started with rule 208, the initial brief. A copy of this rule is included in this motion and has underlined the direction I took regarding ordering transcripts. Quoted, " within 30 days after receiving the transcript or, if no transcript is ordered,..." . I took this language to mean that ordering transcripts was optional. I did not find out till 15 days after I filed the Notice Of Appeal that ordering transcripts is mandatory within 10 days of filing Notice Of Appeal. The clerk's office did not give me an appellate case number till 11-19-2015 and directed me on ordering transcripts, though Notice Of Appeal was filed and stamped on 11-05-2015. The transcripts were ordered 5 days late on 11-20-2015.

II. **MOTION**

I hereby motion the court to allow Plaintiff to file Order Of Transcripts out of the time allotted.

III. **STATEMENT OF FACTS**

- A) Plaintiff is Pro Se and has no formal training in appellate procedure.
- B) Case was not given case number till 15 days after Notice Of Appeal was stamped by the Clerk of Appeal's office.

IV. **BRIEF**

It is my contention that receiving a case number timely would have curtailed the knowledge I operated on.


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(803) 477-0098
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11-24-15
Dated

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**RULE 208
INITIAL BRIEFS**

(a) Time for Serving and Filing Initial Briefs.

(1) Brief of Appellant. Within thirty (30) days after receiving the transcript or, if no transcript is ordered, within thirty (30) days after serving the notice of appeal, appellant shall serve one copy of his brief on all parties to the appeal, and file with the clerk of the appellate court one copy of the brief with proof of service.

(2) Brief of Respondent. Within thirty (30) days after service of appellant's brief, respondent shall serve one copy of his brief on all parties to the appeal and file with the clerk of the appellate court one copy of the brief with proof of service.

(3) Reply Brief. An appellant may file and serve a brief in reply to the brief of respondent. If a reply brief is prepared, appellant shall, within ten (10) days after service of respondent's brief, serve one copy of the reply brief on all parties to the appeal and file with the clerk of the appellate court one copy of the reply brief with proof of service.

(4) Failure to File. Upon the failure of the appellant to file and serve his brief within the time prescribed, the clerk of the appellate court shall sign an order dismissing the appeal, and the appeal shall not be reinstated except as provided by Rule 260. Upon the failure of respondent to timely file a brief, the appellate court may take such action as it deems proper.

(b) Content. The initial briefs under this Rule and the final briefs under Rule 211 shall contain:

(1) Brief of Appellant. The brief of appellant shall contain under appropriate headings and in the order here indicated:

(A) Table of Contents and Cases. A table of contents, with page references, and a table of cases (alphabetically arranged), statutes, and other authorities cited, with references to the pages of the brief where they are cited.

(B) Statement of Issues on Appeal. A statement of each of the issues presented for review. The statement shall be concise and direct as to each issue, and may be stated in question form. Broad general statements may be disregarded by the appellate court. Ordinarily, no point will be considered which is not set forth in the statement of the issues on appeal.

(C) Statement of the Case. The statement shall contain a concise history of the proceedings, insofar as necessary to an understanding of the appeal. The statement shall not contain contested matters and shall contain, as a minimum, the following information: the date of the commencement of the action or matter; the nature of the action or matter; the nature of the defense or of the response; the action of the court, jury, master, or administrative tribunal; the date(s) of trial or

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The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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November 19, 2015

Orlando Ira Brown
440 Rimer Pond Road
Blythewood SC 29016

Re: Orlando Ira Brown v. State of SC
Appellate Case No. 2015-002367

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NOV 24 2015

SC Court of Appeals

Dear Counsel:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

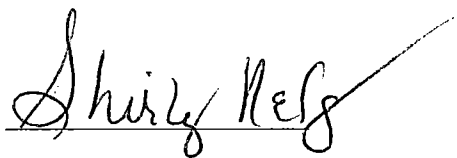
The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

State of South Carolina)	In The Court of Appeals
County of Richland)	
Orlando Ira Brown,)	CA No. 2015-002367
)	
Plaintiff,)	
Vs.)	Proof of Service
)	
State of South Carolina,)	
Defendant.)	

The undersigned hereby certifies that on November 24, 2015, a copy of the foregoing Plaintiff, Orland Ira Brown's Motion To File Out Of Time was hand delivered to opposing counsel to the address as follows:

Richard Marsh III
1303 Blanding Street
Columbia, South Carolina 29201

11/24/15
dated



Shirley Nelson
440 Rimer Pond Road
Blythewood, South Carolina 29016
(803) 477-0098

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