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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
JAN 19 2016
SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Thomas L. Houston, Circuit Court Judge

Case No. 2015-CP-18-1308

Adrian Smalls,

Respondent,

v.

Brenda Lee Barnett,

Appellant.

**MOTION TO FILE
NOTICE OF APPEAL
OUT OF TIME**

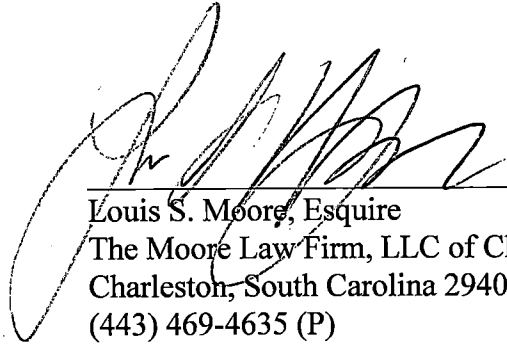
NOW COMES undersigned Counsel and requests this Court for an Order to file the attached Notice of Appeal Out of Time in the foregoing action. The grounds include, to wit:

1. Although more than ten (days) has passed from the filing and serving of the Notice of Appeal with the lower and service effected upon other counsel (Ex. A), South Carolina Appellate Court Rule 263 affords the requested relief from the Court except as it pertains to service.
2. The latent filing was due to inadvertence and excusable neglect where Counsel's paralegal neglected to submit the same in tandem with the other filings and service.
3. Appellant has otherwise complied to the extent Notice was filed in the lower court and all counsel of record were served.
4. No prejudice would obtain as against the Respondent in light of the fact Counsel has been served and the passage of time is de minimis as the Notice is still within the thirty (30) day timeframe for filing from the Judgment rendered.

WHEREFORE, Counsel prays the requested relief is granted.

I so Move!

This 19th day of January 2015.



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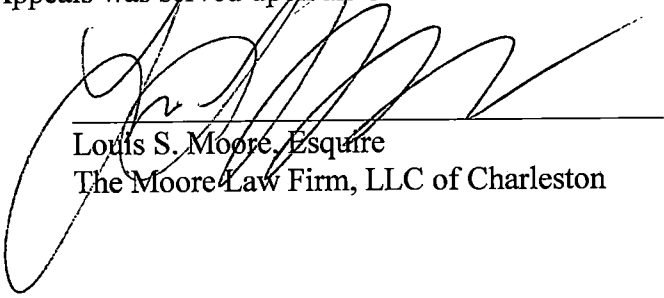
v.

Brenda Lee Barnett,

Appellant.

**CERTIFICATE OF SERVICE
OF MOTION TO FILE NOTICE
OF APPEAL OUT OF TIME**

Counsel for the Plaintiff certifies that a copy of the foregoing Motion to File the Notice of Appeal Out of Time with the Court of Appeals was served upon all Counsel of Record via Regular US Mail on January 19, 2016.



Louis S. Moore, Esquire
The Moore Law Firm, LLC of Charleston

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