

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM FLORENCE COUNTY
COURT OF COMMON PLEAS

The Hon. Ernest F. Kinard, Jr., Circuit Court Judge

Opinion No. 4752

(S.C. Ct. App. Filed October 13, 2010)

Case No. 2008-CP-21-1071

RECEIVED

OCT 10 2012

S.C. Supreme Court

James David Farmer Respondent,

v.

Florence County Sheriff's Office Petitioner.

MOTION TO FILE OUT OF TIME

Other Counsel of Record
Patrick J. McLaughlin
Wukela Law Firm
Post Office Box 13057
Florence, SC 29504
843-669-5634

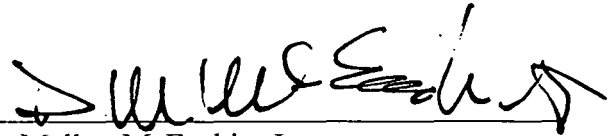
Attorney for Respondent

D. Malloy McEachin, Jr., Esquire
D. Malloy McEachin, Jr., P.A.
2117-C West Palmetto Street
Florence, SC 29501
843-665-0135

Attorney for Petitioner

Petitioner, Florence County Sheriff's Office, respectfully files this Motion to File Out of Time the attached Reply Brief.

The Respondent sought to supplement the Appendix in this matter. By letter dated August 29, 2012 an Order was enclosed from this Court denying the Supplemental Appendix. There was some confusion as to when the Reply Brief was due as the Respondent had to file his brief which was served on the Petitioner on September 11, 2012. The Petitioner inquired of the Clerk's Office when the Reply Brief was due and through misunderstanding on the Petitioner's part Petitioner understood that the Reply Brief was due on October 10, 2012. The Petitioner respectfully requests that it be allowed to file its Reply Brief out of time in this matter. Counsel for Petitioner has conferred with counsel for the Respondent and he has no objection to this request.



D. Malloy McEachin, Jr.
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2117-C West Palmetto Street
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Attorney for the Petitioner
SC Bar# 03794

Florence, SC
October 9, 2012

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James David Farmer, Respondent

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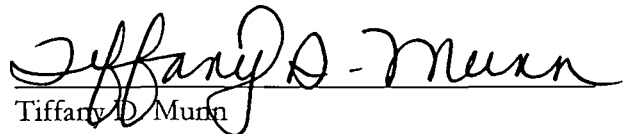
Florence County Sheriff's Office, Petitioner

CERTIFICATE OF SERVICE

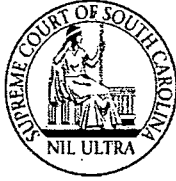
I hereby certify that a copy of the Motion to File Out of Time in the above-referenced matter was served on all counsel today by placing a copy in the United States mail, postage prepaid, addressed to:

Patrick J. McLaughlin, Esq.
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PO Box 13057
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Florence, SC
October 9, 2012



Tiffany D. Murn
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The Supreme Court of South Carolina

D. Malloy McEachin Jr.

10/10/2012

RECEIPT #65832

Case No: 2011-183126
Case Short Title: James D. Farmer v. Florence Sheriff's
Event:
Fee Type: Motion Fee
Amount: \$25.00
Payment Type: Check
Reference No: 3529
Check/Money Order Date: 10/09/2012
Comments: