

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from the Administrative Law Court

Ralph King Anderson, III, Chief Administrative Law Judge

Case No. 15-ALJ-0042-AP

NICHOLAS GEER, 227443,

RESPONDENT,

V.

SOUTH CAROLINA DEPARTMENT OF
PROBATION, PAROLE AND PARDON SERVICES,

APPELLANT.

Appellate Case No. 2015-002522

**MOTION TO ACCEPT
RESPONDENT'S FINAL BRIEF
OUT OF TIME**

Respondent respectfully requests the Court to accept his final brief in this case out of time. In support of this request, counsel shows:

(1) The final brief of Respondent was due to be served and filed with this Court on March 20, 2016 in accordance with Rule 211, SCACR.

(2) Previously, Respondent filed his Initial Brief on February 22, 2016. Respondent represented himself *pro se* with limited access to legal resources with which to draft a brief. Additionally, Respondent was under lock-down for 5 weeks during March and April, during which

time he was unable to file his final brief.¹ As a result, Respondent missed the deadline for service and filing of the Respondent's final brief. Undersigned Counsel met with Respondent on Tuesday, May 24, 2016, and promptly filed the final brief two days thereafter.

(3) Counsel makes this request in good faith and not for purposes of delay.

WHEREFORE, Respondent respectfully requests the Court accept the final brief of Respondent as filed out of time.

Respectfully submitted,

By: 

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Pro Bono Counsel for Respondent

May 26, 2016

¹ The charges for which Respondent was put on lock-down have since been dismissed after further investigation into the matter.

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CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that a true copy of the Motion to Accept Respondent's Final Brief Out of Time in the above referenced case has been served upon counsel for appellant by depositing one copy of the same in the United States Mail, first-class postage pre-paid, addressed as follows:

Tommy Evans, Jr.
Assistant General Counsel
South Carolina Department of Probation,
Parole and Pardon Services
P.O. Box 50666
Columbia, SC 29250

This 26 day of May, 2016.



ZOE JONES
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Pro Bono Counsel for Respondent

May 26, 2016

The Honorable Jenny Kitchings
Clerk of Court, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Nicholas Geer v. SCDPPPS
Appellate Case. No. 2015-002522

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Dear Ms. Kitchings:

Enclosed please find: a) the original and 14 copies of the Final Brief of Respondent; b) a Motion to Accept the Final Brief Out of Time; and, c) a Motion for Appointment and Leave to File a Supplemental Brief, in the above-captioned matter.

Please do not hesitate to contact me if you have any questions.

Sincerely,


Zoe Jones
Fellowship Attorney
zoe@justice360sc.org

Enclosures

cc: Tommy Evans, Jr.

JUSTICE (360) ADVANCING EQUALITY
IN CAPITAL CASES

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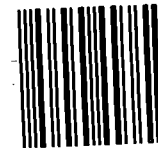
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