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AUG 18 2016

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S.C. SUPREME COURT

FACSIMILE TRANSMITTAL

DATE: August 18, 2016
TO: Lindsey Matthews
FAX #: (803) 734-1499
FROM: Moira Kerrigan, Paralegal to Thomas J. Rode, Esquire
RE: *Case Tracking No.: 2013-000817*
State v. Cain, Charles
PAGES: 5

Please see the following.

Thank you,
Moira

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VIA FACSIMILE & U.S. MAIL

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
1231 Gervais Street
Columbia, South Carolina 29201
Fax to: (803) 734-1499

S.C. SUPREME COURT

*Re: Supreme Court Case No. 2013-000817
Lower Court Case No.: 2012-GS-42-03135
The State v. Charles Allen Cain*

Dear Mr. Shearouse:

This firm represents the Petitioner, Charles Allen Cain, in connection with the above matter. Please find enclosed an original and seven (7) copies of Petitioner's Motion for Leave to file Reply Brief Out of Time. I would appreciate your filing this Motion with the Court and returning any file-stamped copies thereof to me in the self-addressed and postage prepaid envelope included for your convenience. Your assistance with this matter is appreciated.

With kind regards, I am

Very truly yours,

THURMOND KIRCHNER & TIMBES, P.A.



Moira Kerrigan
Paralegal to Thomas J. Rode

cc: David Spencer, Esquire
Robert Dudek, Esquire

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions
The Hon. Lawton McIntosh, Circuit Court Judge

Case No. 2013-000817

The State. Respondent.

v.

Charles Cain Petitioner.

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S.C. SUPREME COURT

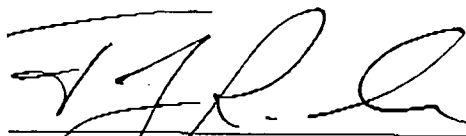
MOTION FOR LEAVE TO FILE REPLY BREIF OUT OF TIME

Attorney for Petitioner, hereby requests this Honorable Court for leave to file Petitioner's Reply Brief out of time Pursuant to Rule 263, SCRPC, and to accept Petitioner's already-filed Reply Brief as timely.

The Respondent's final Brief in this matter was filed and mailed to Petitioner on July 29, 2016. Petitioner received the same on August 4, 2016. Petitioner's Reply Brief was due on Monday August 8, 2016. Due to an inadvertent mistake in scheduling, Petitioner incorrectly scheduled the deadline for Monday August 15, 2016. Consistent therewith, Petitioner filed and served his Reply Brief in this matter on August 15, 2016. Only subsequent to this filing was the scheduling error of Petitioner's attorney discovered.

WHEREFORE, Petitioner respectfully ask this Honorable Court for leave to submit its Reply Brief out of time, and to accept the August 15, 2016 Reply Brief filed by Petitioner as timely.

Respectfully Submitted,



Thomas J. Rode
Attorney for Petitioner
SC Bar No.: 77480

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August 18, 2016.
Charleston, South Carolina.

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM SPARTANBURG COUNTY

Court of General Sessions

The Hon. Lawton McIntosh, Circuit Court Judge

Case No. 2013-000817

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The State. Respondent.

AUG 18 2016

v.

Charles Cain Petitioner.

S.C. SUPREME COURT

Proof of Service

I, the undersign certify that I have served the Motion For Leave to File Reply Brief Out of Time on David Spencer, Esq., attorney of record in this matter by:

X : Depositing a copy in the mail to PO Box 11549 Columbia S.C. 29211

Or

_____ : Via Hand Delivery to the Office of the Attorney General



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