

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY MAGISTRATE COURT
Court of Common Pleas

Maité Murphy, Circuit Court Judge

Case No. 2015-CP-18-1916

RECEIVED

SEP 23 2016

SC Court of Appeals
Respondent

The State of South Carolina, Respondent,
v.

Breanna Flannery, Appellant.

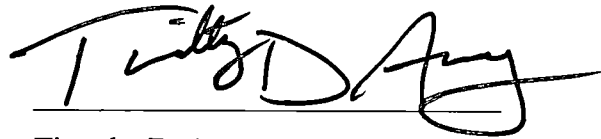
PETITION TO ORDER TRANSCRIPT OUT OF TIME

Pursuant to Rule 207, SCACR, Counsel for Breanna Flannery respectfully requests the Court to accept the Petition to Order the Transcript Out of Time. In support of this request, counsel shows:

1. The Notice of Intent to Appeal was served on the Respondent on September 9, 2016.
2. Counsel for Appellant mistakenly construed the terms of Rule 207 to mean that an additional 10 days would run after filing the Notice of Intent to Appeal with the Court and the lower court, within which the transcript needed to be requested from the court reporter.
3. Upon further review, Counsel for Appellant is aware that the rule reflects a 10 day timeframe running from the service of the Notice of Intent to Appeal, rather than the time of filing.
4. Attached with this motion, Counsel for the Appellant has included a copy of the letter to the court reporter requesting a copy of the transcript from the appeal in the

Court of Common Pleas, in an effort to expeditiously remedy Counsel's misunderstanding of Rule 207 SCACR.

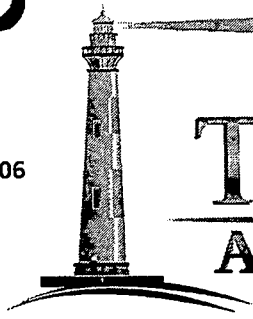
5. The 10th day after service of the Notice of Intent to Appeal was September 19, 2016, and this motion along with the attached letter are hereby served on September 21, 2016.

A handwritten signature in black ink, appearing to read "Timothy D. Amey", written over a horizontal line.

Timothy D. Amey
1495 Remount Road
North Charleston, SC 29406
(843) 425-2269
Attorney for Appellant

September 21, 2016

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September 21, 2016

VIA MAIL & EMAIL:

Maria Dempsey
Post Office Box 951
Charleston, SC 29402

**RE: The State of South Carolina,
Respondent v. Breanna Flannery,
Appellant, Case #: 2015-CP-18-1916**

Dear Ms. Dempsey,

On April 19, 2016, the above case was heard on Appeal before the Honorable Maité Murphy, Circuit Court Judge, in Dorchester County. My records indicate that you were the court reporter for this case.

I am requesting that you provide me with a transcript of the proceedings. Please transcribe the entire record of the magistrate appeal proceedings. I agree to pay the per page charge for this transcript as provided by Rule 607, SCACR.

With best wishes, I remain

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim', written over a horizontal line.

Tim Amey

cc: Jenny Abbot Kitchings
S.C. Court Administration
Clerk, Court of Appeals

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SC Court of Appeals



TIM AMEY
ATTORNEY AT LAW

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SC Court of Appeals

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