

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County
Honorable Roger L. Couch, Circuit Court Judge
Appellate Case No. 2015-000611

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NOV 18 2016

SC Court of Appeals

THE STATE,

Respondent,

vs.

ORLANDO MARTINEZ COLEMAN,

Appellant.

**MOTION TO PERMIT FILING
OF CORRECTED FINAL BRIEF OF RESPONDENT**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

In October of 2013, Appellant Orlando Martinez Coleman was arrested after a young girl disclosed Appellant sexually abused her when she was six or seven years old. Subsequently, the York County Grand Jury indicted Appellant for two counts of first-degree criminal sexual conduct with a minor, and Appellant proceeded to trial on those charges in March of 2015. At the conclusion of trial, Appellant was convicted as indicted and sentenced to an aggregate twenty-five-year term of imprisonment. Appellant then timely appealed his convictions.

II.

On appeal, Appellant filed and served his Initial Brief of Appellant and Designation of Matter on March 11, 2016, and the State filed and served its Initial Brief of Respondent and Designation of Matter on July 27, 2016. Subsequently, Appellant filed the Record on Appeal on November 9, 2016. Accordingly, pursuant to Rule 211(a), SCACR, the final briefs in Appellant's appeal are due to be served and filed by November 29, 2016.

III.

On November 15, 2016, the State filed its Final Brief of Respondent. However, subsequent to filing that brief, undersigned counsel for the State discovered he inadvertently and erroneously filed a version of the brief in which the references to the trial record have not been revised to indicate where the referenced matter appears in the Record on Appeal as required by Rule 211(b)(1), SCACR. After discovering the error with the Final Brief of Respondent as filed, undersigned counsel for the State prepared a corrected version of the Final Brief of Respondent containing the revised references to the Record on Appeal as required by our appellate court rules.

IV.

Based on the fact the Final Brief of Respondent as filed mistakenly does not comply with the South Carolina Appellate Court Rules, the State asks this Court to permit the State to file the corrected Final Brief of Respondent in place of the Final Brief of Respondent as currently filed and accept the corrected Final Brief of Respondent as filed. Undersigned counsel for the State apologizes to both this Court and Appellant for his error and does not believe his request to file the corrected final brief will result in any prejudice to Appellant.

WHEREFORE, the State prays that this Court will permit the filing of a corrected Final Brief of Respondent; accept the corrected Final Brief of Respondent as filed; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Assistant Attorney General

By: 

Mark R. Farthing

Office of the Attorney General
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November 18, 2016

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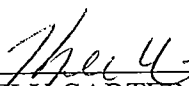
PROOF OF SERVICE

I, Keely Carter, certify that I have served the within Motion to Permit Filing of Corrected Final Brief of Respondent on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Jessica L. Birt, Esquire
O.T. Wallace Bldg.
101 Meeting Street, 5th Floor
Charleston, SC 29401

Robert M. Dudek, Esq.
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 18th day of November, 2016.



KEELY CARTER
Legal Assistant
Office of the Attorney General
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Columbia, SC 29211
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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

November 18, 2016

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RE: State v. Orlando Martinez Coleman – Appellate Case No. 2015-000611

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Motion to Permit Filing of Corrected Final Brief of Respondent, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Mark R. Farthing
Assistant Attorney General
S.C. Bar Number 76901

MRF/
Enclosures

cc: Jessica L. Birt, Esquire
Robert M. Dudek, Esquire
Victim Services