

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

R. Keith Kelly, Circuit Court Judge

Case No. 2016-GS-42-0169
Appellate Case No: 2016-001651

RECEIVED

FEB 21 2017

SC Court of Appeals

The State, County of Spartanburg,

Respondent,

v.

Danny Vega,

Appellant.

MOTION REQUESTING PERMISSION TO FILE OUTSIDE OF DEADLINE

COMES NOW the Appellant, Danny Vega would, by and through his attorney, David R. Schumpert III, respectfully move this Honorable Court to enter an order granting permission to file the *Initial Brief of Appellant* and *Designation of Matter to Be Included in the Record on Appeal* on outside of the deadline set in Rules 208 and 209 of the South Carolina Appellate Court Rules.

The preparation of these documents has been delayed by various factors:

- 1) During the preparation of the Initial Brief and Designation of Matter in this case, Appellant's counsel, a small solo practitioner firm, suffered an unexpected departure and need to replace office staff;
- 2) During the preparation of the Initial Brief and Designation of Matter in this case, Appellant's counsel, subsequently underwent a sudden and equally unexpected need to relocate office;
- 3) Financial constraints due to the Appellant's incarceration have caused further hardship delays;
- 4) Distance from Defendant's place of incarceration has greatly hindered his being able to effectively and timely assist in his own appeal; and
- 5) Finally, Appellant's counsel had not received the Public Defender's case file in this matter, despite Appellant's counsel having requested it from Public Defender in person at Public Defender's office on October 21, 2016.

As a result of these various hardships the Appellant and Appellant's counsel humbly request that the Court accept the contemporaneously filed *Initial Brief of Appellant* and *Designation of Matter to Be Included in the Record on Appeal*.

This motion is filed in a timely manner per letter sent by Clerk February 07, 2017 and copied to all parties.

WHEREFORE, Appellant respectfully requests the following relief:

- A) That this Court grant permission to file *Initial Brief of Appellant and Designation of Matter to Be Included in the Record on Appeal* outside the time constraints
- B) Such other relief as the Court finds just and proper.

Respectfully submitted,

SCHUMPERT LITIGATION & MEDIATION



David R Schumpert III
Post Office Box 16466
Seneca, South Carolina 29679
(803) 237-8384
Attorney for Appellant

February 17, 2017

Other Counsel of Record:

Megan L. Moricle, Esquire
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Alan McCrory Wilson, Esquire
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The State, County of
Spartanburg,

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Appellant.

CERTIFICATE OF SERVICE

I, David R Schumpert III, one of the attorneys for the Appellant in the above-styled action or an employee thereof, do hereby certify that I have served counsel below by depositing a copy of in the United States Certified Mail, postage prepaid, on February 17, 2017, with the following documents:

- 1) **Initial Brief of Appellant;**
- 2) **Appellant's Designation of Matter to Be Included in Record on Appeal; and**
- 3) **Motion Requesting Permission to File Outside of Deadlines**

Addressed to counsel at the following address(es):

Megan L. Moricle
Assistant Solicitor, Seventh Judicial Circuit
Spartanburg County Judicial Center
180 Magnolia Street
Spartanburg, SC 29306

Alan McCrory Wilson, Esquire
John Benjamin Aplin, Esquire
South Carolina Attorney General
PO Box 11549
Columbia, SC 29211-1549

February 17, 2017

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

David R. Schumpert III
Post Office Box 16466
Seneca, South Carolina 29679
(803) 237-8384
Attorney for Appellant

SCHUMPERT

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February 17, 2017

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211
Via CERTIFIED MAIL and FACSIMILIE TO 803-734-1839

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FEB 21 2017

SC Court of Appeals

RE: State of South Carolina, County of Spartanburg vs. Danny Vega,
Appellate Case Number: 2016-001651
General Session Case: 2016-GS-42-0169

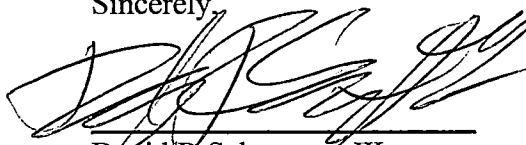
Dear Ms. Kitchings:

Enclosed for filing please find original and copies of the following documents:

- 1) **Initial Brief of Appellant;**
- 2) **Appellant's Designation of Matter to Be Included in Record on Appeal;** and
- 3) **Motion Requesting Permission to File Outside of Deadlines**

Please return any extra clocked copies to me in the included stamped, self-addressed envelope.

Sincerely,



David R. Schumpert III
Post Office Box 1646
Seneca, South Carolina 29679
(803) 237-8384
Attorney for Appellant

Enclosure

Schumpert Litigation & Mediation
Post Office Box 1646
Seneca, SC 29679



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