

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions

The Honorable Donald B. Hocker, Circuit Court Judge

RECEIVED

MAY 01 2017

SC Court of Appeals

Appellate Case No. 2014-002423

The State Respondent,

vs.

David A. Land Appellant.

**MOTION TO FILE THE PETITION FOR WRIT OF CERTIORARI
AND APPENDIX OUT OF TIME**

Counsel for David Austin Land, respectfully moves the Court to allow the Petition for Writ of Certiorari and Appendix to be filed out of time. In support of this Petition, Counsel shows:

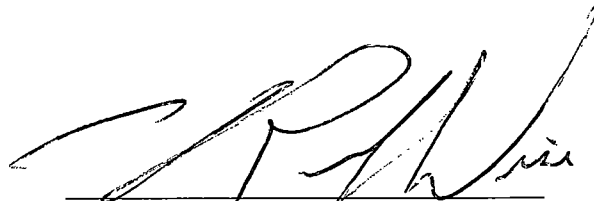
- (1) The Petition for Writ of Certiorari and accompanying Appendix in this case were due to be filed with the Court on April 24, 2017.
- (2) The case was inadvertently failed to calendar this Petition as due on April 24, 2017.
- (3) Counsel failed to file the Petition and Appendix in a timely manner.
- (4) Counsel filed for an extension on April 26, 2017, under the mistaken belief the Petition for Writ of Certiorari was due on that date.
- (5) Upon a later review of the emails in this matter, the attorney for Petitioner realized that he received an electronic copy of the Order denying rehearing on March 24, 2017. He received a hard copy of the Order on March 27, 2017. Furthermore, upon

a review of the rules, the Petition for Writ of Certiorari is due 30 days after the Order denying the rehearing petition is filed and not from the date of receipt by counsel for the Petitioner.

- (4) The Attorney for the Petitioner has contacted William M. Blich, Jr. and he has no objection to the request to file the Petition for Writ of Certiorari and the Appendix out of time.

For these reasons, counsel for appellant requests that the Court allow the Petition and Appendix to be filed out of time.

April 27, 2017



C. RAUCH WISE
Attorney at Law
305 Main Street
Greenwood, SC 29646
(864) 229-5010
Attorney for Appellant

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

MAY 01 2017

SC Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions
The Honorable Donald B. Hocker, Circuit Court Judge

Appellate Case No. 2014-002423

The State, Respondent,

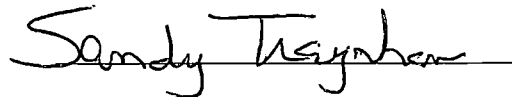
vs.

David A. Land Appellant.

AFFIDAVIT OF SERVICE

PERSONALLY appeared before me Sandy Traynham who, after being duly sworn, deposes and says that she is the Secretary for C. Rauch Wise, Attorney for the Appellant in the above entitled case. That on April 27, 2017, she did deposit in the United States Mail with proper postage affixed thereto, a copy of the Motion to File the Petition for Writ of Certiorari and Appendix out of Time in the above case addressed to William M. Blich, Jr., Office of the Attorney General, P.O. Box 11549, Columbia, SC, 29211, and S.C.. Court of Appeals, P.O. Box 11629, Columbia, SC 29211..

SWORN to and Subscribed



before me this 27th day

of April, 2017.

Michelle Q Collins (L.S.)

Notary Public for South Carolina

My Commission expires: 12/13/26

LAW OFFICE OF
C. RAUCH WISE
Attorney & Counselor at Law
305 Main Street
Greenwood, SC 29646
e-mail rauchwise@gmail.com

C. Rauch Wise

Telephone
(864) 229-5010
Facsimile
(864) 229-2665

April 27, 2017

Daniel E. Shearouse, Clerk
Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

RECEIVED

MAY 01 2017

SC Court of Appeals

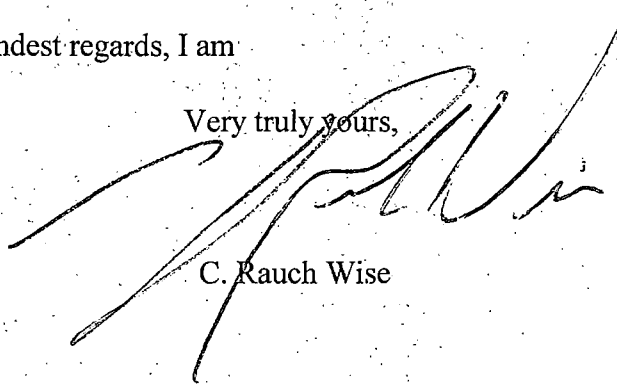
Re: State vs. David Austin Land, Case No. 2014-002423

Dear Mr. Shearouse:

I am enclosing herewith for filing the original and six (6) copies of the Motion to File the Petition for Writ of Certiorari and Appendix out of Time together with the original Affidavit of Service regarding the above matter. Your help is greatly appreciated.

With kindest regards, I am

Very truly yours,



C. Rauch Wise

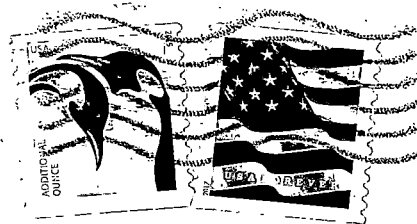
CRW/slt
Enclosure

cc William M. Blich, Jr.
SC Court of Appeals

LAW OFFICE OF
C. RAUCH WISE
Attorney & Counselor at Law
305 Main Street
Greenwood, SC 29646

GREENVILLE SC 296

28 APR 2017 PM 4 L



RECEIVED

Jenny Abbott Kitchings, Clerk
SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211

MAY 01 2017

SC Court of Appeals

29211-11629

