

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Beaufort County

John C. Hayes, Circuit Court Judge

RECEIVED

JUN 08 2017

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

BENJAMIN CERVANTES HERNANDEZ,

APPELLANT

APPELLATE CASE NO. 2016-000612

MOTION TO ACCEPT THE
AMENDED FINAL BRIEF OF APPELLANT

Counsel for Benjamin Cervantes Hernandez respectfully requests this Court accept the enclosed Amended Final Brief of Appellant. In support of this motion, counsel shows:

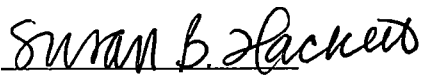
1. Appellant, through undersigned counsel, filed his initial brief of appellant on December 14, 2016. The state filed its initial brief of respondent on April 17, 2017. The record on appeal was filed on May 17, 2017. The state filed its final brief of respondent on May 25, 2017. The final brief of appellant was due on Tuesday, June 6, 2017.
2. Counsel filed and served the final brief of appellant on Tuesday, June 6, 2017. However, the final brief failed to contain a certificate of counsel page and the

certificate of service page was not notarized. These errors were an oversight on the part of undersigned counsel for which she sincerely apologizes to the Court and opposing counsel for the confusion and inconvenience. Counsel learned of these errors late in the day on Wednesday, June 7, 2017, when the clocked copies were reviewed prior to internal filing.

3. On Thursday, June 8, 2017, counsel contacted opposing counsel, Mark R. Farthing, Esquire, and advised him of the errors. Additionally, counsel advised Mr. Farthing of her intent to file an amended final brief correcting the errors along with a motion requesting the final brief be accepted. Mr. Farthing advised that he consents to the filing of an amended final brief correcting the two errors outlined above.

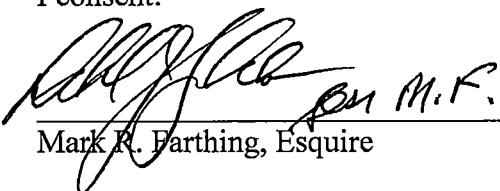
Counsel respectfully requests this Court accept the Amended Final Brief of Appellant in the above referenced case.

Respectfully submitted,


Susan B. Hackett
Appellate Defender

June 8, 2017

I consent:


Mark R. Farthing, Esquire

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CERTIFICATE OF SERVICE

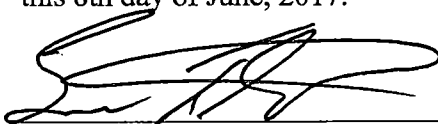
The undersigned attorney hereby certifies that a true copy of the Petition to Accept the Amended Final Brief of Appellant in the above referenced case has been served upon opposing counsel, Mark R. Farthing, Esquire at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, South Carolina 29201, this 8th day of June, 2017.



Susan B. Hackett
Appellate Defender

Attorney for Appellant

SUBSCRIBED AND SWORN TO before me
this 8th day of June, 2017.



(L.S.)

Notary Public for South Carolina
My Commission Expires: October 30, 2022.