

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

G. Edward Welmaker, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES D. CHAPMAN,

APPELLANT

Appellate Case No. 2011-198167

**MOTION TO ACCEPT THE
FINAL BRIEF OF APPELLANT OUT OF TIME**

Pursuant to Rule 240, SCACR, Counsel for James D. Chapman respectfully requests the Court to accept the Final Brief of Appellant in this case out of time. In support of this request, counsel shows:

(1) The Final Brief of Appellant was due to be served and filed with this Court yesterday on November 29, 2012 in accordance with Rule 211, SCACR.

(2) However, Counsel for Appellant overlooked this item on her calendar yesterday. When the error was brought to her attention, it was too late to submit the Final Brief to this Court in a timely manner. Counsel acted immediately upon realizing the error to prepare the Final Brief and file it with this Court along with this Motion.

NOV 30 2012
SC COURT OF APPEALS

(3) Counsel makes this request in good faith and not for purposes of delay.

(4) Counsel for the Attorney General's Office consents to this request as shown by his signature below.

WHEREFORE, counsel for Appellant respectfully requests the Court accept the Final Brief of Appellant as filed out of time.

Susan B. Hackett
Susan B. Hackett
Appellate Defender

ATTORNEY FOR APPELLANT

November 30, 2012

I DO NOT OPPOSE

Donald Zelenka
Donald Zelenka, Esquire

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Greenville County

G. Edward Welmaker, Circuit Court Judge

THE STATE,

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V.

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APPELLANT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Motion to Accept the Final Brief of Appellant Out of Time in the above referenced case has been served upon Donald J. Zelenka., Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 30th day of November, 2012.

Susan B. Hackett

Susan B. Hackett
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 30th day of November, 2012.

Emily Bayne (L.S.)
Notary Public for South Carolina

My Commission Expires: November 16, 2022.

RECEIVED

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