

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Court of General Sessions
Eugene C. Griffith, Jr., Circuit Court Judge

RECEIVED

SEP 06 2017

SC Court of Appeals

Case No. 17GS24-1004; 17GS24-1005

The State,Respondent

v.

JASON MADISON HOLTAppellant

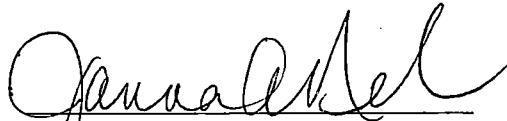
MOTION FOR LEAVE TO SERVE NOTICE OF APPEAL OUT OF TIME

Jason Madison Holt has filed a Notice of Appeal from his conviction on July 13, 2017, and sentence of July 14, 2017. Mr. Holt informed counsel on July 14, 2017, that he wished to appeal his conviction and sentence.

Counsel for Defendant inadvertently miscounted the due date for service of the appeal and calendared it for July 25, 2017, when the correct due date would have actually been July 24 2017. Based on counsel's error, which was no fault of Mr. Holt, the notice of appeal was both served and filed on July 25, 2017, which was one day late for service. Counsel became aware of her error after receiving a letter from the Clerk of the Court of Appeals asking for clarification on the date of service. On reviewing that letter and re-counting the due date for service of the Notice of Appeal, counsel recognized the error.

Counsel requests that the court grant leave to serve Mr. Holt's notice of appeal on July 25, 2017, so that his appeal can proceed. Counsel asks that her error not operate to the detriment of Mr. Holt, who voiced his desire to appeal as soon as he was sentenced.

August 31, 2017

A handwritten signature in black ink, appearing to read "Janna A. Nelson", written over a horizontal line.

Janna A. Nelson
600 Monument St., Suite 208
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Greenwood, SC 29646
(864) 229-9505
Attorney for Appellant

Other Counsel of Record:
Yates Brown
Assistant Solicitor
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(864) 942-8800
Attorney for Respondent

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The State, Respondent

v.

JASON MADISON HOLT Appellant

PROOF OF SERVICE

I certify that I have served the Motion for Leave to Serve Notice of Appeal Out of Time on Yates Brown by personally delivering a copy of it to his office at 600 Monument Street, Suite 203, Greenwood, South Carolina 29646 on August 31, 2017.

August 31, 2017



Janna A. Nelson
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(864) 229-9505
Attorney for Appellant

PUBLIC DEFENDER

Circuit Defender for the Eighth Judicial Circuit
Abbeville, Greenwood, Laurens, and Newberry Counties
600 Monument Street, Suite 208
Box P-133
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Phone: (864)229-9505 Fax:

Janna A. Nelson
Circuit Defender

August 31, 2017

The Honorable Jenny Abbott Kitchings
Clerk of Court
The South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

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SC Court of Appeals

Re: State v. Jason Madison Holt
Appellate Case No. 2017-001614

Dear Ms. Kitchings:

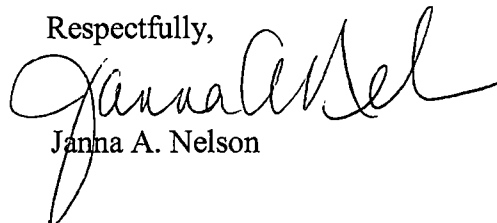
I am writing in response to your letter of August 23, 2017 inquiring as to the date the notice of appeal was served. The date of service was July 25, 2017, which was the same day the notice of appeal was filed.

In confirming that date, I realized that I miscalculated the due date for serving the notice of appeal when I calendared it after Mr. Holt was sentenced. My count was off by one day, and I calendared the due date for service as July 25, 2017, rather than the correct date of July 24, 2017. I didn't realize the error until I received your letter asking for confirmation of the service date.

Due to my error, which was no fault of Mr. Holt, I have enclosed the original and two copies of a motion for leave to serve the notice of appeal out of time. I hope the court will grant my request so that my error does not operate to the detriment of Mr. Holt, who has viable appellate issues.

Thank you for your consideration, and please let me know if you need any further information from me.

Respectfully,



Janna A. Nelson

cc: Robert Michael Dudek, Esq.
Yates Brown, Esq.
Alan McCrory Wilson, Esq.
John Benjamin Aplin, Esq.

OFFICE OF THE PUBLIC DEFENDER

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Greenwood, South Carolina 29646



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The Honorable Jenny Abbott Kitchings
Clerk of Court
The South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

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Court of Appeals

