

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Colleton County
Edgar Dickson, Circuit Court Judge

RECEIVED

OCT 05 2018

S.C. SUPREME COURT

DERRICK FISHBURNE,

PETITIONER,

V.

THE STATE,

RESPONDENT.

Appellate Case No. 2016-002385

**PETITION FOR TO FILE
BRIEF OF PETITIONER
OUT OF TIME**

The undersigned counsel would respectfully request to file the Brief of Petitioner in the above-referenced case out of time. In support of this motion, counsel would respectfully show the Court the following:

1. The Brief of Petitioner was due to be served and filed yesterday, October 1, 2018.
2. Counsel planned to pick up 13 copies of the Appendix on Sunday, September 30, 2018. However, due to a delay at the printer, the copies of the Appendix were not complete until October 1, 2018.
3. Counsel planned to file the Brief of Petitioner on October 1, 2018 prior to his scheduled court appearance in Abbeville County.

4. However the copies of the Appendix were not complete until after Counsel had to leave to go to his court appearance.

5. Counsel was unable to make it back to Chapin with adequate time to file the Brief of Petitioner.

6. This request is made in good faith, and not for purposes of delay.

7. Counsel has communicated with counsel for the State who does not oppose this request as indicated by the attached email.

Based on the foregoing, the undersigned counsel would respectfully request to file the Brief of Petitioner out of time.

Respectfully submitted,



Tristan M. Shaffer (SC Bar # 77565)
P.O. Box 1027
Chapin, SC 29036
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October 2, 2018

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Certificate of Service

I certify that on this day, I have served a copy of the Petition to File Out of Time in the above captioned case on Respondent by depositing it in the United States mail with postage prepaid and addressed to the Attorney for Respondent as listed below.



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Chapin, SC 29036
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tristan@shafferlawsc.com

October ~~1~~³ 2018

Other Counsel of Record:
Christian Saville
South Carolina Attorney General's Office
P.O. Box 11549
Columbia, South Carolina 29211
Attorney for Respondent

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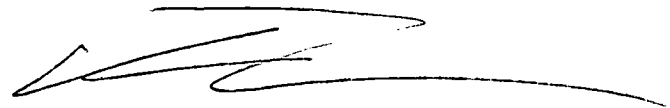
THE STATE,

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Appellate Case No. 2016-002385

Certificate of Service

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October ~~X~~³ 2018

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Attorney for Respondent