

THE SOUTH CAROLINA COURT OF APPEALS

Sean O'Connell Silvestri, Appellant,

v.

State of South Carolina, Respondent.

Appellate Case No: 2010-169587

MOTION TO REINSTATE

RECEIVED
JAN 23 2013
SC Court of Appeals

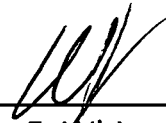
Appellant moves this court for an Order reinstating the within Appeal. The South Carolina Court of Appeals issued its Order dated January 2, 2013 dismissing the Appellant's Appeal because of his failure to file the Appellant's Amended Record On Appeal, Final Brief, and Final Reply Brief as required by Rule 211 of the South Carolina Appellant Court Rules. At that time the Appellant Sean O'Connell Silvestri was a Pro se Appellant. As such he was not familiar with the South Carolina Appellant Court Rules. Appellant has now obtained counsel to assist him in this Appeal. Appellant would further show that if the Motion to Reinstatement is granted there will be no prejudice to the State of South Carolina. Appellant would further show that if this Motion to Reinstatement is not granted then the Court of

Appeals will never hear his meritorious Appeal . This would not be in the interest of justice and fairness requires the granting of this Motion .

Wherefore, having fully set forth grounds therefore, the Appellant through undersigned counsel moves for an Order of this Court reinstating the within Appeal.

Jan. 17, 2013

Respectfully Submitted,



William E. Whitney, Jr., Esquire
P.O. Box 266
Union, South Carolina 29379
(864) 427-5661 Phone
(864) 427-5565 Fax
Attorney for Appellant

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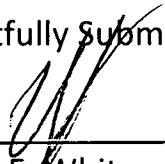
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PROOF OF SERVICE

I certify that I have served the Motion to Reinstate on Rachel Donald Erwin by depositing a copy of it in the U.S. Mail, postage prepaid, on January 17, 2013 addressed to its Attorney of record, Rachel Donald Erwin, S.C. Department of Public Safety, P.O. Box 1993, Blythewood, S.C. 29816.

January 17, 2013

Respectfully Submitted,



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Union, South Carolina 29379
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Attorney for Appellant

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January 17, 2013

The Honorable Tanya A. Gee
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

VIA FACSIMILE AND U.S. MAIL (803)-734-1839

Re: Sean O'Connell Silvestri vs. State of South Carolina
Appellant Case No: 2010-169587

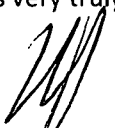
Dear Ms. Gee:

Enclosed for filing is a Motion to Reinstate. Also enclosed are the following:

1. Proof of Service of Motion to Reinstate on opposing counsel.
2. Copy of the Order denying the Appeal

The above items are being faxed today, January 17, 2013. Pursuant to Rule 240, the original Motion to Reinstate and six (6) copies thereof are being mailed to the S.C. Court of Appeals through the U.S. Postal Service on January 17, 2013 and Proof of Service is also enclosed.

Yours very truly,


William E. Whitney, Jr.

WEWJR/tb

Enclosures

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