

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

Letitia Verdin, Circuit Court Judge

APPELLATE CASE NO.: 2018-001745

The State,

Respondent,

v

William Lee Carpenter,

Appellant.

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SC Court of Appeals

**MOTION TO FILE INITIAL BRIEF OUT OF TIME AND EXTENSION OF TIME TO
COMPLY WITH APPELLATE COURT RULES**

COMES NOW, the appellant, William Lee Carpenter, and moves before this Honorable Court for an order to file the initial brief out of time and a requisite extension of time to do so.

The appellant's attorney Fletcher N. Smith request that the transcript of pretrial hearings from a court reporter by the name of Ms. Teresa B. Johnson. Ms. Johnson complied with the rules thereupon and forwarded the transcript by email on or about February 18, 2018.

Mr. Smith was expecting to receive the transcript by mail. Our office was flooded with water on January 18, 2019 which required asbestos removal and a loss of data. We are in fact at a temporary office while repairs are being made to my principal office.

Due to difficulties with the server at my law office, after the flood, that distributes the emails in Mr. Smith's law office some data was lost and we received no hard copy from the court reported. On receipt of the Clerk's letter we proceeded to investigate and back track through hundreds of emails including the junk mail and we found it which demonstrated he in fact received the transcript from the Court Reported timely. After a search it was found that the transcript had been emailed mailed timely by Ms. Johnson but that our Outlook program had not been working correctly which the emails actually come through.

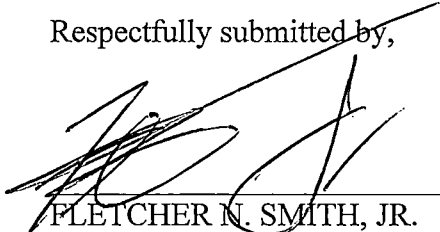
As stated Mr. Smith found that Ms. Johnson in fact did timely serve the transcripts of record and as such Mr. Smith accepts full responsibility for this oversight in not finding the emails on a timely basis in February 2019. Mr. Smith accepts full responsibility and now requests that the Court honor his motion to file an initial brief out of time and extension of time to do so on behalf of Mr. William Lee Carpenter who has a meritorious appeal.

It is to be noted that Mr. Carpenter has retained Ms. Elizabeth Franklin Best to assist Mr. Smith in the prosecution of this appeal and that she in no way had anything to do with the oversight of Mr. Smith's office with regard to the email transcript that was sent to Mr. Smith in February 2018.

Prior to the filing of this motion, Mr. Smith spoke with Mr. William Blitch of the Attorney General's Office and he so graciously indicated that he does not object to said motion.

In conclusion, Smith respectfully request the relief sought in this motion on behalf of his client.

Respectfully submitted by,



FLETCHER N. SMITH, JR.

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Attorney for Plaintiff

Greenville, South Carolina
Dated: May 17, 2019

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE
ADMINISTRATIVE LAW COURT

The Honorable Letitia Verdin, Circuit Court Judge

Appellate Case No.: 2018-001745

The State,

Respondent,

Versus

William Lee Carpenter,

Appellant.

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CERTIFICATE OF SERVICE

I, Fletcher N. Smith, Jr., hereby certify that I have this 17th, day of May, 2019, served a copy of the herein below listed documents to the addressees listed below by depositing a copy of same in the United States Postal System postage prepaid, and mailing same to:

Motion to File Initial Brief Out of Time And Extension of Time To Comply With Appellate
Court Rules

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

The Honorable Alan Wilson, Esquire
William Blich, Esquire
P.O. Box 11549
Columbia, SC 29211

Ms. Elizabeth Anne Franklin-Best, Esquire
Blume Franklin Best & Young, LLC

Attorney for Appellant

Respectfully submitted,



FLETCHER N. SMITH, JR.

Attorney for Appellant

South Carolina State (Bar No. 5165)

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Greenville, South Carolina
Dated: May 17, 2019

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May 17, 2019

The Honorable Jenny Abbott Kitchings
Clerk of Court South Carolina Court of Appeals
ATTENTION: Tonesha Fuller, Appeal Specialist
P.O. Box 11629
Columbia, SC 29211

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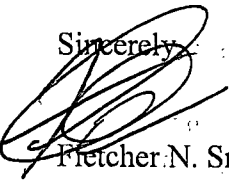
In Re: State v William Lee Carpenter
Appellate Case No.: 2018-001745
Inmate SCDC # 377639

Dear Ms. Fuller:

We are in receipt of the Clerk's letter dated May 15, 2019; we discovered that the Court Reporter served the Transcript on our office by email on February 18, 2019.

Additionally herewith, please find the Appellant's Motion to File the Pre-Trial Brief out of time and an extension of time to file said Pretrial Brief.

Sincerely,


Fletcher N. Smith, Jr.
FNS/lm

cc: The Honorable Alan McCrory Wilson
William M. Blich, Jr., Esquire
Office of Attorney General

Ms. Elizabeth Anne Franklin-Best, Esquire
Blume Franklin Best & Young, LLC

Attorney for Appellant

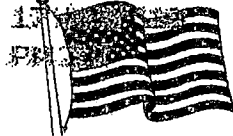



FLETCHER N. SMITH, LLC
 ATTORNEY AT LAW

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GREENVILLE

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SC Court of Appeals

The Honorable Jenny Abott Kitchings
 Clerk of Court South Carolina Court of Appeals
 P.O. Box 11629
 Columbia, SC 29211

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