

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SPARTANBURG COUNTY
Court of General Sessions

Honorable J. Derham Cole, Circuit Court Judge

Appellate Case No. 2019-000699

The State,

Brian Cornelius Foster Jr.

v.

Respondent,

Appellant

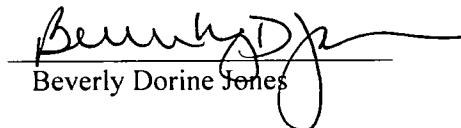
MOTION TO REINSTATE APPEAL

The undersigned counsel petitions the Court to reinstate the direct appeal of Brian Cornelius Foster, Jr. In support in the petition, counsel would respectfully show the Court that:

1. Counsel served the notice of intent to appeal on April 23, 2019.
2. On June 3, 2019, this Court dismissed the appeal due to counsel's failure to timely serve the notice of appeal.
3. Counsel's failure to timely file the notice of appeal was due to an inadvertent miscalculation of the appellate deadline.
4. Based on the foregoing, counsel most respectfully request that this Court reinstate appellant's direct appeal.

WHEREFORE, undersigned counsel respectfully request that the direct appeal for Brian Cornelius Foster, Jr. be reinstated.

Respectfully submitted,


Beverly Dorine Jones

June 12, 2019

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JUN 17 2019
SC Court of Appeals

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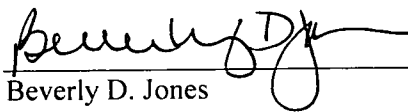
Respondent,

Appellant.

PROOF OF SERVICE

I certify that I have served the Motion to Reinstate the Appeal on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on June 12, 2019, addressed to South Carolina Attorney General Alan McCrory Wilson Esq., 1000 Assembly Street, Room 519, Columbia, South Carolina 29201.

June 12, 2019



Beverly D. Jones

Bar No.: 7913

Seventh Judicial Circuit Public Defender Office

366 N Church Street, Suite 3000

Spartanburg, South Carolina 29303

(864) 596-2561

Attorney for Appellant

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SEVENTH JUDICIAL CIRCUIT PUBLIC DEFENDER

CLAY T. ALLEN
CIRCUIT PUBLIC DEFENDER

366 NORTH CHURCH STREET
SUITE 3000
SPARTANBURG, SC 29303



TELEPHONE (864) 596-2561
FAX (864) 596-2284
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June 12, 2019

The Honorable Amy West-Cox
Clerk of Court for Spartanburg County
180 Magnolia Street
Spartanburg, South Carolina 29306

RE: State v. Brian Cornelius Foster Jr.
Appellate Case No.: 2019-000699

RECEIVED

JUN 17 2019

SC Court of Appeals

Dear Ms. Caldwell:

Enclosed for filing is the Motin to Reinstate Appeal in the above case.

Thank you very much.

Sincerely Yours,

A handwritten signature in cursive script that reads "Beverly D. Jones". The signature is written in black ink and includes a long horizontal flourish at the end.

Beverly D. Jones

Enclosure: cc: Spenser H Smith
Seventh Judicial Circuit Solicitor's Office
180 Magnolia Street
Spartanburg, South Carolina 29306
Attorney for Respondent

SEVENTH JUDICIAL CIRCUIT PUBLIC DEFENDER

CLAY T. ALLEN
CIRCUIT PUBLIC DEFENDER

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SUITE 3000
SPARTANBURG, SC 29303



TELEPHONE (864) 596-2561
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June 12, 2019

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: State v. Brian Cornelius Foster Jr.
Appellate Case No.: 2019-000699

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JUN 17 2019
SC Court of Appeals

Dear Ms. Kitchings:

Enclosed for filing is the original Motion To Reinstate Appeal in the above case. Also enclosed is the Proof of Service of the Motion to Reinstate Appeal.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Beverly D. Jones".
Beverly D. Jones

Enclosures: cc: Office of Seventh Judicial Circuit Solicitor
Office of Attorney General
Office of Appellate Defense