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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Deborah Brooks Durden, Administrative Law Judge

Case No. 11-ALJ-30-0489-AP

E. Shawn Sorrell,

Appellant,

v.

South Carolina Department of
Public Safety,

Respondent

RECORDED
FEB 04 2013
SOUTH CAROLINA COURT OF APPEALS

**MOTION TO REINSTATE APPEAL
AND LEAVE TO FILE OUT OF TIME**

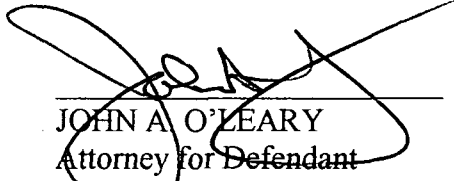
COMES NOW, E. Shawn Sorrell, by and through his undersigned counsel, and moves before this Honorable Court to reinstate the appeal and leave to file his Final Brief out of time for the following reasons:

1. That notification was received from the Deputy Clerk for the Court of Appeals on Monday, 02/04/2013, dated and filed by the Court on 02/01/2013.
2. That the Order cites failure to comply with Rule 211 of the SC Rules of Appellant Procedure.
3. That "correspondence" was received in this office dated 01/25/2013 from Deputy V. Claire Allen, Court of Appeals, referencing the failure to pay a \$25.00 filing fee with a Motion for Oral Argument which was filed on behalf of Appellant.

4. Payment on the filing fee for the motion was made by Appellant on 01/25/2013 on check number 19353.
5. That as of Friday, 02/01/2013, counsel for Appellant had spoken with Vance J. Bettis, counsel for SCDPS as to the issue of the sufficiency of the Record on Appeal (ROA) filed with the Court since there were hand-written notations on the ROA that was filed and both counsels were in discussion as to the possible correction to the ROA.
6. The Final Brief from the Appellant in the above captioned case was held in abeyance since the question still existed as to the ROA initially filed with the Court.
7. That staff member assigned as paralegal with this case left employment in early December and counsel was aware only as to the open issue as to the “clean” copy of the ROA filed with the Court.
8. That on 02/04/2013 counsel for Appellant contacted Vance Bettis, counsel for SCDPS in this appeal, and his consent to the reinstatement and extension of the time to comply with Rule 211.
9. That failure to comply with Rule 211 was inadvertent as to the issue that surrounded the ROA and to dismiss at this point would cause irreparable injury to Appellant.

That counsel for Appellant respectfully requests that this court reinstate the appeal in this matter and allow an extension of time within which to comply with Rule 211 of the SC Rules of Appellant Procedure.

Respectfully submitted,



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Columbia, South Carolina

2-4-13

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CERTIFICATE OF SERVICE

I, the undersigned employee of O'Leary Associates, P.A., attorneys for SCDPS, certify that I have served the foregoing document(s) on the individual(s) listed below on January 18, 2013 by placing a copy of the same in the United States Mail, postage prepaid, and return address clearly affixed to the following address:

PERSON SERVED: Vance Bettis
Gignilliat Savitz & Bettis, LLP
900 Elmwood Street, Suite 100
Columbia, SC 29201

DOCUMENTS: MOTION TO REINSTATE APPEAL AND LEAVE TO FILE
OUT OF TIME

