

RECEIVED

Mar 22 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Abbeville County
Honorable Donald B. Hocker, Circuit Court Judge
Appellate Case No. 2020-000091

THE STATE,

Respondent,

vs.

SHI HEME RAQUAN PRICE,

Appellant.

**MOTION TO SERVE AND FILE
FINAL BRIEF OF RESPONDENT OUT OF TIME**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

Appellant Shi Heme Raquan Price’s criminal appeal is currently pending before this Court. At present, initial briefing has been completed and, on February 16, 2021, Appellant served and filed the Record on Appeal. As a result, all final briefs were due to be served and filed by March 8, 2021. Rule 211(a), SCACR.

II.

Following receipt of the Record on Appeal, the undersigned counsel for the State promptly completed the Final Brief of Respondent and dated it for February 17, 2021. However, after doing so, the undersigned counsel regrettably and inadvertently forgot to file and serve that

brief. Upon discovering that error on today's date, the undersigned counsel immediately amended the Final Brief of Respondent to reflect a service date of today, and the State is contemporaneously serving and filing that brief with the filing of this motion.

III.

The State respectfully asks this Court to relax the requirements of Rule 208(a)(2) of the South Carolina Appellate Court Rules and permit the State to file and serve the Final Brief of Respondent in this case fourteen days out of time. See Rule 263(b), SCACR ("The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rule 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof."). The undersigned counsel further sincerely apologizes for any inconvenience this request has caused to the Court, the appellant, and opposing counsel, and the undersigned counsel submits he does not believe this request will result in any prejudice to the appellant should it be granted.

WHEREFORE, Respondent prays the Court relax the requirements of Rule 208(a)(2) of the South Carolina Appellate Court Rules; permit Respondent to file and serve the Final Brief of Respondent out of time; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Attorney General

By: 

Mark R. Farthing
S.C. Bar Number 76901

March 22, 2021

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Mar 22 2021

SC Court of Appeals

Appeal from Abbeville County
Honorable Donald B. Hocker, Circuit Court Judge
Appellate Case No. 2020-000091

THE STATE,

Respondent,

vs.

SHI HEME RAQUAN PRICE,

Appellant.

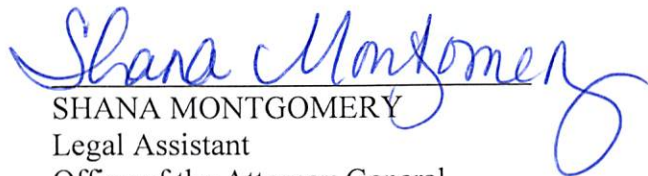
PROOF OF SERVICE

I, Shana Montgomery, certify I have served the within Motion to Serve and File Final Brief of Respondent Out of Time on Appellant by sending an electronic copy via email to the addresses listed in AIS for the following individuals:

Stephen D. Geoly, Esq.
Geoly Law Firm
222 Phoenix Street
Greenwood, SC 29646

R. Jamison Tinsley, Jr., Esq.
Tinsley & Tinsley, P.C.
109 Oak Avenue
Greenwood, SC 29646

I further certify all parties required by Rule to be served have been served.
This 22nd day of March, 2021.



SHANA MONTGOMERY
Legal Assistant
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211

Shana Montgomery

From: Shana Montgomery
Sent: Monday, March 22, 2021 10:55 AM
To: tinslerj@gmail.com; geolylawfirm@yahoo.com
Cc: Shana Montgomery; Mark Farthing; William Blich
Subject: State V. Shi Price ; Appellate Case No. 2020-000091 ; FBOR and Motion to File Out of Time
Attachments: Price.Motion to File Out of Time (FBOR) (02520228xD2C78).pdf; Price.FBOR (02520157xD2C78).pdf

Good Morning,

Attached please find a copy of the Final Brief of Respondent and Motion to File Out of Time along with the proof of service for State v. Shi Price (2020-000091). Please confirm receipt. This Final Brief and Motion will be submitted to the South Carolina Court of Appeals today via the AIS One Drive System. In addition to the email, a hard copy will be placed in today's mail. Please don't hesitate to contact our office should you have any questions or concerns.

Thank You.

Shana Montgomery
Legal Assistant
Criminal Appeals Section
SC Attorney General's Office
PO Box 11549
Columbia, SC 29211-1547
Phone 803-734-7239
Fax 803-734-4113
smontgomery@scag.gov