

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

67997

APPEAL FROM NEWBERRY COUNTY
Court of General Sessions

RECEIVED

APR 11 2013

Frank W. Addy, Circuit Court Judge

SC Court of Appeals

Appellate Case No. 2013-000541

State of South Carolina Respondent,

v.

Vernon Jacob Livingston Appellant.

MOTION OF APPELLANT
FOR LEAVE TO FILE APPEAL
OUT OF TIME

Appellant moves for leave of the Court of Appeals to file this appeal out of time, pursuant to SCRAP 203(d)(1)(B).

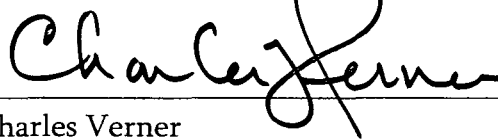
Defendant was convicted of Distribution of Methamphetamine on February 12, 2013 in Newberry County. He was sentenced to six (6) years in prison. A Notice of Appeal was filed in the office of the Newberry Clerk of Court and served on the Office of the Eighth Circuit Solicitor within ten (10) days of the conviction.

However, the Notice of Appeal was mailed to the South Carolina Court of Appeals on March 4, 2013, and filed with the Clerk the following day.

Appellant's jury trial occurred during a two week term of court in which I tried more than one case as public defender in Newberry County and represented a large number of other clients in other criminal matters and pleas before the court. As Counsel for Appellant, I mistakenly believed that the Rules of Appellate Procedure provided that the Notice of Appeal could be filed within thirty (30) days following a jury trial in General Sessions Court.

I SO MOVE.

NEWBERRY COUNTY PUBLIC DEFENDER



Charles Verner
1219 Boyce Street
P. O. Box 484
Newberry, South Carolina 29108
(803) 276-4500

Attorney for Appellant

April 11, 2013
Newberry, South Carolina

Other Counsel of Record:

Asst. Dept. Att'y Gen. Salley W. Elliott
South Carolina Attorney General's Office
P O Box 11549
Columbia, South Carolina 29211

South Carolina Court Administration
1015 Sumter Street, Suite 200
Columbia, South Carolina 29201

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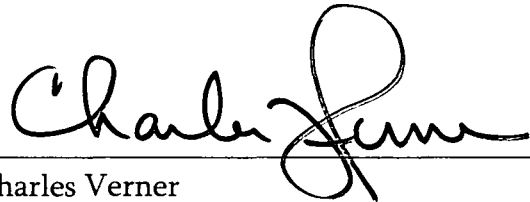
Appellate Case No. 2013-000541

State of South Carolina, Respondent,
v.
Vernon Jacob Livingston, Appellant.

PROOF OF SERVICE

I certify that I have served the MOTION OF APPELLANT FOR LEAVE TO FILE APPEAL OUT OF TIME, by mail, proper postage attached, on April 11, 2013, to counsel identified below.

April 11, 2013



Charles Verner
Newberry County Public Defender
P. O. Box 484
Newberry, South Carolina 29108

Other Counsel of Record:

Asst. Dept. Att’y Gen. Sally W. Elliott
South Carolina Attorney General’s Office
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