



ALAN WILSON  
ATTORNEY GENERAL

May 9, 2013

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
HAND DELIVERY

**RECEIVED**

MAY 09 2013

**SC Court of Appeals**

Re: Hoyler v. State of SC, et al et al 2013-000647  
Request for Extension of Time

Dear Ms. Kitchings:

I respectfully request a 30 day extension of time to move to dismiss this appeal or, alternatively, file an initial brief and designation of matter for the record. I believe that these documents are due on May 15, 2013. Under this extension, they would be due on June 14, 2013.

I am requesting this extension because I will be returning from an oral argument at the Court of Appeals in Richmond the evening of May 14, and I am preparing for that argument now. Although I should be able to file before June 14, I am requesting a full 30 days in the event of other conflicts.

I am attaching emailed consents of Appellant and Respondent Merry Land. My understanding is that counsel for Intervenor has no objection, but I have not received written confirmation.

I respectfully request that the current due date of May 15 be held in abeyance pending the Court's consideration of this request.

Respectfully submitted.,

J. Emory Smith, Jr.  
Assistant Deputy Attorney General  
Counsel for the State

cc: Jefferson D. Griffith, III, Esquire  
Richard L. Whitt, Esquire  
Mary D. Shahid, Esquire

Stephen P. Groves, Sr., Esquire  
Alysoun M. Eversole, Esquire

## Emory Smith

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**From:** Jeff Griffith <jeff@jdg8750.com>  
**Sent:** Wednesday, May 08, 2013 6:41 PM  
**To:** Emory Smith; RLW Assist; Richard L. Whitt  
**Subject:** RE: Hoyer appeal

You have it of course.

On May 8, 2013 6:23 PM, "Emory Smith" <[ESmith@scag.gov](mailto:ESmith@scag.gov)> wrote:

Because of a Fourth Circuit argument next week, I plan to request a 30 day extension of time to move to dismiss your appeal or file an initial brief and designation. Would appreciate your consent.

Thank you.

Emory

J. Emory Smith, Jr.

Assistant Deputy Attorney General

Office of the Attorney General

P.O. Box 11549

Columbia, SC 29211

Phone: [803-734-3680](tel:803-734-3680)

## Emory Smith

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**From:** Groves, Stephen P. <SGroves@nexsenpruet.com>  
**Sent:** Thursday, May 09, 2013 8:40 AM  
**To:** Emory Smith  
**Cc:** Shahid, Mary D.  
**Subject:** Re: Hoyler EXTENSION

We gladly consent.

Stephen P. Groves, Sr.  
843.693.8973  
Sent from my iPhone

On May 9, 2013, at 8:26, "Emory Smith" <[ESmith@scag.gov](mailto:ESmith@scag.gov)> wrote:

Please confirm by reply email your consent to my request for a 30 day extension of time to move to dismiss the appeal or file an initial brief and designation. I consent to any extension request that you make.

Thanks.

Emory

J. Emory Smith, Jr.  
Assistant Deputy Attorney General  
Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211  
Phone: 803-734-3680

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