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Jul 26 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From York County
Honorable J. Derham Cole, Circuit Court Judge

Appellate Case No: 2022-000783

THE STATE,

Respondent,

vs.

DARRELL D. WILSON, JR.,

Appellant.

**PETITION TO RELAX RULE 208(a)(2) SCACR, AND RULE 209(a) SCACR
AND MOTION FOR A THIRD EXTENSION**

Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter were due to the Court on July 21, 2023, pursuant to this Court's order dated June 22, 2023. However, due to a calendaring error, counsel for the State failed to either request an extension or file its Initial Brief of Respondent and Designation of Matter on when it was due.

Since the last extension was requested, the undersigned has filed a Final Brief of Respondent in State v. Ronald Wood, Jr. (2022-000888); a Brief of Respondent-Petitioner in Rodney C. Bryan v. State (2019-001887); and a Return To Petition For Writ of Certiorari in State v. Seth Hassan Smith (2019-001418). In addition, the undersigned is currently experiencing a

medical issue that temporarily keeps him from maintaining his normal work schedule, and most recently has required him to travel out of state for further treatment.

II.

As a result of the calendaring error, the State respectfully asks this Court to relax the requirements of Rule 208(a)(2) SCACR, and Rule 209(a) SCACR, and permit the State to file a motion for a third extension of time within which to serve and file its Initial Brief and Designation of Matter 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.”). Due to work required in other cases pending before this Court and the South Carolina Supreme Court and the medical issue I am experiencing, I am unable to complete this Initial Brief on time. I would therefore request an extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

III.

This motion for extension is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared.

WHEREFORE, Respondent prays that the Court will relax the requirements of 208(a)(2) SCACR and 209(a) SCACR and permit the filing of this motion for a third extension for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General


DAVID SPENCER

I have reviewed and approved this request.

Senior Assistant Attorney General

for



Mark R. Farthing
Assistant Deputy Attorney General

BY: 

for David Spencer
S. C. Bar No: 68571

July 26, 2023

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

Approved by

DAB.

ATTORNEYS FOR RESPONDENT

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PROOF OF SERVICE

I, Anne Mueller, certify that I have served the Petition to Relax Rule 208(a)(2) SCACR and 209(a) SCACR and Motion for Third Extension on Jessica M. Saxon, counsel of record for the Appellant, by electronic mail to the address listed for counsel in AIS.

I further certify that all parties required by Rule to be served have been served.
This 26th day of July, 2023.



Anne A. Mueller
Legal Assistant

Office of Attorney General
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Columbia, SC 29211
(803) 734-3727

From: [Anne Mueller](#)
To: ["jsaxon@sccid.sc.gov"](mailto:jsaxon@sccid.sc.gov)
Cc: [Pollard, Shelby](#); [David Spencer](#); [Anne Mueller](#)
Bcc: [Victim Services](#)
Subject: State v. Darrell D. Wilson, Jr., 2022-000783
Date: Wednesday, July 26, 2023 3:51:00 PM
Attachments: [Wilson Darrell - 2022-000783 - Petition to Relax Rule and Motion for Third Extension \(State's IBOR\) \(03345638xD2C78\).PDF](#)
[image001.png](#)

Good afternoon.

Attached to this email is the State's Petition To Relax Rule 208(a)(2) SCACR and Rule 209(a) SCACR And Motion For A Third Extension in the above matter. We will be filing the motion electronically later today.

Sincerely,

Anne Mueller, Legal Assistant to Senior Assistant Attorney General David Spencer

ANNE A. MUELLER, Legal Assistant
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