

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
The C. Victor Pyle, Jr., Circuit Court Judge
Appellate Case No. 2012-212057

RECEIVED

OCT 25 2013

SC Court of Appeals

THE STATE,

Respondent,

vs.

DOMINIQUE JARARD SHUMATE,

Appellant.

**MOTION FOR THIRD EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTER**

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

I.

The Initial Brief of Respondent and Designation of Matter are due to be served and filed on today's date.

II.

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the Respondent moves for a third extension in the above-referenced criminal appeal. Due to work required in other cases pending before this Court and the South Carolina Supreme Court, I am unable to complete this Brief on time.

III.

This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared. I would therefore request an extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.


Respectfully submitted,

ALAN WILSON
Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

JULIE KATE KEENEY
Assistant Attorney General
Bar # 100145

By: 
Julie Kate Keeney

By: 
Salley W. Elliott

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Post Office Box 11549
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October, 25 2013

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Appellant.

PROOF OF SERVICE

I, Ellen DuBois, certify that I have served the within Motion for Third Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Kathrine H. Hudgins, Esquire
South Carolina Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29211

I further certify that all parties required by Rule to be served have been served.

This 25th day of October, 2013.



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



ALAN WILSON
ATTORNEY GENERAL

October 25, 2013

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SC Court of Appeals

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: State v. Dominique Jarard Shumate
Appellate Case No. 2012-212057

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of the Motion for Third Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Julie Kate Keeney
Assistant Attorney General
Bar No. 100145

JKK./erd
Enclosures

cc: Kathrine H. Hudgins, Esquire
Victim Services