

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of General Sessions

Honorable J.C. Nicholson, Jr., Circuit Court Judge  
Trial Court Case No. 2010GS1007730, 2010GS1007731  
Appellate Case No. 2013-000179

The State of South Carolina,

Respondent,

**RECEIVED**

FEB 18 2014

v.

Venancio Diaz Perez,

Appellant.

**SC Court of Appeals**

MOTION FOR SECOND EXTENSION WITHIN WHICH TO  
PREPARE, SERVE AND FILE INITIAL BRIEF OF RESPONDENT

ALAN MCCRORY WILSON  
Attorney General

Other Counsel of Record:

JASON SCOTT LUCK, Esquire  
jluck@seibelsfirm.com

Seibels Law Firm, P.A.  
127 King Street, Suite 100  
Charleston, South Carolina 29401  
(843) 722-6777

ROBERT M. DUDEK  
Chief Appellate Defender  
rdudek@sccid.sc.gov

S.C. Comm'n on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, South Carolina 29211  
(803) 734-1330

AMIE L. CLIFFORD  
Special Assistant Attorney General  
aclifford@cpc.sc.gov  
S.C. Bar No. 1285

Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3727

SCARLETT A. WILSON  
Solicitor, Ninth Judicial Circuit

101 Meeting Street, Suite 400  
OT Wallace Building  
Charleston, South Carolina 29401  
(843) 958-1900

ATTORNEYS FOR APPELLANT

ATTORNEYS FOR RESPONDENT

*RIB 2nd*

Pursuant to Rule 263, SCACR, the undersigned counsel respectfully asks this Court for an extension of time within which to prepare, serve, and file the Initial Brief of Respondent. In support of this request, the undersigned counsel states as follows.

I.

On January 14, 2014, the undersigned counsel requested an extension to complete the brief in this case. That initial extension request was granted by the Court and the Initial Brief of Respondent of the State of South Carolina in this matter is due to be served upon other counsel and filed with the Court today, Tuesday, February 18, 2014.

II.

This case involves allegations of error in the admission of evidence of other bad acts, exclusion of unique impeachment evidence, curtailment of the right of cross-examination, vindictiveness in sentencing, as well as violation of Appellant's right to due process. Each of these allegations requires thorough research and thoughtful analysis.

III.

This request is not made for the purpose of delay or to gain any advantage. Rather, it is based on good cause, to wit: workload; inclement weather over the past 30 days, which prevented normal access to office computers; and home computer and/or Internet issues, which have caused problems with downloading and opening cases and other documents at home.

IV.

The undersigned counsel does not believe that the grant of a second extension will delay the Court's consideration of this matter.

WHEREFORE, for all of the foregoing reasons, the undersigned respectfully requests this Court for a second extension of time within which to serve and file the Initial Brief of Respondent;

and for such other and further relief as this Court may deem just and proper.

Respectfully submitted,

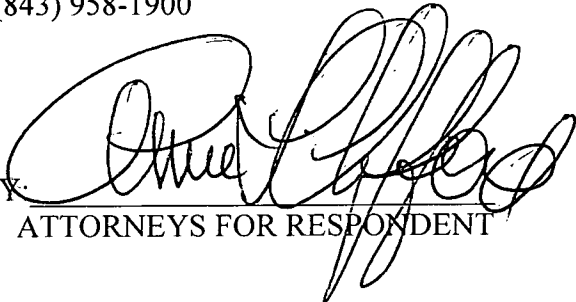
ALAN MCCRORY WILSON  
Attorney General

AMIE L. CLIFFORD  
Special Assistant Attorney General  
aclifford@cpc.sc.gov

Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3727

SCARLETT A. WILSON  
Solicitor, Ninth Judicial Circuit

101 Meeting Street, Suite 400  
OT Wallace Building  
Charleston, South Carolina 29401  
(843) 958-1900

BY:   
ATTORNEYS FOR RESPONDENT

February 18, 2014

Columbia, South Carolina

THE STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM CHARLESTON COUNTY

Court of General Sessions  
J.C. Nicholson, Circuit Court Judge

Court of Appeals Case No. 2013-000179

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SC Court of Appeals

The State of South Carolina,

Respondent,

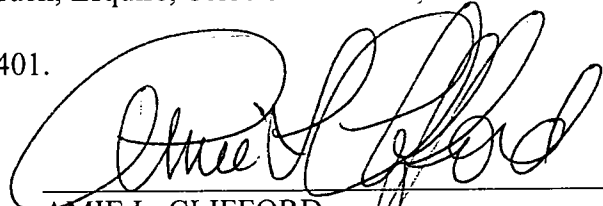
v.

Venancio Diaz Perez,

Appellant.

PROOF OF SERVICE

I certify that I have served the Motion for Second Extension within which to Prepare, Serve and File Initial Brief of Respondent on Appellant, Venancio Diaz Perez, by depositing one copy of such in the United States Mail, first class postage prepaid, on February 18, 2014, addressed to his attorney of record, Jason Scott Luck, Esquire, Seibels Law Firm, P.A. 127 King Street, Suite 100, Charleston, South Carolina 29401.



AMIE L. CLIFFORD  
Special Assistant Attorney General  
aclifford@cpc.sc.gov  
S.C. Bar No. 1285

Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727 or 760-3072

February 18, 2014

Columbia, South Carolina



ALAN WILSON  
ATTORNEY GENERAL

February 18, 2014

Honorable Jenny Abbott Kitchings  
Clerk of Court, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

Re: *State v. Venancio Diaz Perez*

Dear Ms. Kitchings:

Enclosed for filing please find the original and six (6) copies of the State's Motion for Second Extension within which to Prepare, Serve and File Initial Brief of Respondent served on Appellant in the above-referenced appeal. I have also enclosed the original Proof of Service indicating service of the Return on today's date.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

Amie L. Clifford  
Special Assistant Attorney General  
aclifford@cpc.sc.gov  
S.C. Bar No. 1285

Enclosures (as stated)

cc: Jason Scott Luck, Counsel for Appellant  
(with one copy of Return & one copy of Proof of Service)  
Robert M. Dudek, Chief Appellate Defender  
(with one copy of Return & one copy of Proof of Service)

**RECEIVED**

FEB 18 2014

**SC Court of Appeals**