

IN THE COURT OF APPEALS

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MAR 14 2014  
SC Court of Appeals

Appeal from Laurens County  
Honorable Frank R. Addy, Circuit Court Judge  
Appellate Case Tracking No. 2013-000579

The State,

Respondent,

vs.

Richard Sylvester Evans,

Appellant.

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

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

I.

The Initial Brief of Respondent is due to be served and filed today.

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 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. The undersigned has completed several initial briefs, Returns to Petition for Writ of Certiorari, and Petitions for Writ of Certiorari in the last several weeks. Counsel

RIB 3rd

participated in oral argument last week in the South Carolina Supreme Court. In addition, counsel is preparing for oral argument tomorrow at this Court.

III.

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

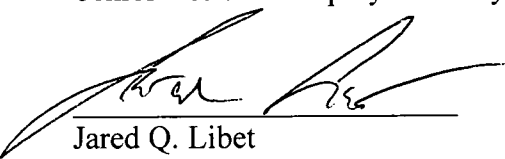
WHEREFORE, Respondent prays that the Court hold this matter in abeyance until ruling on this motion, and extend the deadline for the service and filing of the Initial Brief of Respondent in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the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

Respectfully submitted,

ALAN WILSON  
Attorney General

JARED Q. LIBET  
Assistant Attorney General

  
SALLEY W. ELLIOTT  
Senior Assistant Deputy Attorney General

  
Jared Q. Libet  
Assistant Attorney General  
S.C. Bar No. 15608  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR RESPONDENT

March 14, 2014

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Laurens County  
Honorable Frank R. Addy, Circuit Court Judge  
Appellate Case Tracking No. 2013-000579

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The State,

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vs.

Richard Sylvester Evans,

Appellant.

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**PROOF OF SERVICE**

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I, Ellen DuBois, certify that I have served the Motion For Third Extension Of Time Within Which To Serve And File Initial Brief of Respondent on Appellant by depositing a copy of same in the United States mail, postage prepaid, addressed to:

Kenneth E. Sowell, Esquire  
Kenneth E. Sowell, Attorney at Law  
768 Mauldin Road  
Greenville, SC 29211

Robert Dudek, Esquire  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.  
This 14<sup>th</sup> day of March, 2014.

*Ellen DuBois*

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ELLEN DUBOIS  
Office of Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3727



ALAN WILSON  
ATTORNEY GENERAL

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SC Court of Appeals

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**VIA HAND DELIVERY**

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

Re: State v. Richard Sylvester Evans  
Appellate Case Tracking No. 2013-000579

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of a Motion For Third Extension Of Time Within Which To Serve And File Initial Brief of Respondent along with proof of service for filing in the above-referenced appeal.

Sincerely,

Jared Q. Libet  
Assistant Attorney General

Enclosures

cc: Kenneth E. Sowell, Esquire  
Robert Dudek, Esquire  
Victim Services