

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
R. Lawton McIntosh, Circuit Court Judge

Appellate Case No. 2013-000817

RECEIVED

MAR 20 2014

SC Court of Appeals

THE STATE,RESPONDENT

v.

CHARLES ALLEN CAIN,APPELLANT.

MOTION FOR EXTENSION OF TIME

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

I.

The Initial Brief of Respondent and Designation of Matter are due to the Court today, pursuant to two previous extension granted by the Court.

II.

Due to work on a brief in opposition in Anthony Williamson v. South Carolina in the U.S. Supreme Court, and the initial brief of respondent in State v. Massey, State v. Parkhurst, and State v. Hayward Chambers in this Court, I am unable to complete this 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.

RIB 3rd

III.

This extension request 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 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; and for such other and further relief as the Court may deem just and proper.

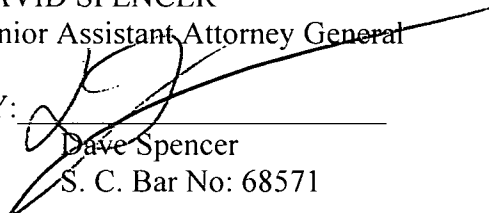
Respectfully submitted,

ALAN WILSON
Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

BY: _____

DAVID SPENCER
Senior Assistant Attorney General

BY:  _____
Dave Spencer
S. C. Bar No: 68571

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Columbia, SC 29211
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ATTORNEYS FOR RESPONDENT

March 20, 2014

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THE STATE,RESPONDENT

v.

CHARLES ALLEN CAIN,APPELLANT.

PROOF OF SERVICE

I, Norma Bigbee, certify that I have served the Motion for Extension of Time on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney of record, Thomas J. Rode, Esquire, P.O. Box 20817, Charleston, SC 29413 and Robert M. Dudek, Esquire, Chief Appellate Defender, SC Commission on Indigent Defense, Division of Appellate Defense, P.O. Box 11589, Columbia, SC 29211.

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

This 20th day of March, 2014.

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MAR 20 2014

Norma Bigbee
NORMA BIGBEE
Legal Assistant

SC Court of Appeals

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



ALAN WILSON
ATTORNEY GENERAL

March 20, 2014

VIA HAND DELIVERY

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

RE: State v. Charles Allen Cain
Appellate Case No: 2013-000817

Dear Ms. Kitchings:

Please find the original of the Motion For Extension of Time along with proof of service, in the above-referenced case. By copy of this letter we are serving opposing counsel with this motion.

Sincerely,

David Spencer
Senior Assistant Attorney General
S.C. Bar No: 68571

DS/ab
Enclosures

cc: Thomas J. Rode, Esquire (2 copies enclosed)
Robert M. Dudek, Esquire (2 copies enclosed)
Ms. Trisha Allen (1 copy enclosed)

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