

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Aiken County
Honorable J. Derham Cole, Circuit Court Judge
Appellate Case No. 2013-000356

RECEIVED

MAR 31 2014

SC Court of Appeals

THE STATE,

Respondent,

vs.

CAROLYN H. POE,

Appellant.

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

Respondent (“the State”), 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 March 31, 2014.

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 State moves for a third extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. In the past few weeks, the undersigned has participated in oral argument at the Supreme Court in State v. Beulah Ruth

Butler and State v. Donta Kevon Reid, has participated in oral argument at the Court of Appeals in State v. Christopher Lee Johnson, State v. Alex Lorenzo Robinson, State v. Jimmy Wilson, Jr., State v. Kendrick D. Littlejohn, and State v. Mark Stanley Peters, has submitted a Brief of Respondent to the Supreme Court in State v. Coaxum, has submitted an Initial Brief of Appellant to the Court of Appeals in State v. Bash, has submitted Initial Briefs of Respondent to the Court of Appeals in State v. Pope, State v. Crosby, State v. Ivery, State v. Galloway, and State v. Slocumb, has submitted a Return to Petition for Rehearing to the Court of Appeals in State v. Reaves, and has submitted Returns to Petitions for Writ of Certiorari to the Supreme Court in State v. Parker and State v. Hilton.

III.

This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared. The Brief in the above case has required significant research because the case involves a significant evidentiary issue on appeal. The undersigned is currently working on the Brief in this case and hopes to have it completed in a timely manner. I would therefore request an extension of time within which to serve and file the Brief.

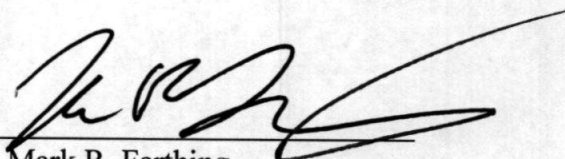
WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Brief of Respondent and Designation of Matter in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

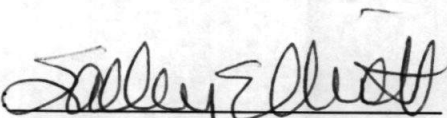
ALAN WILSON
Attorney General

MARK R. FARTHING
Assistant Attorney General

By:


Mark R. Farthing

By:


Salley W. Elliott

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
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March 31, 2014

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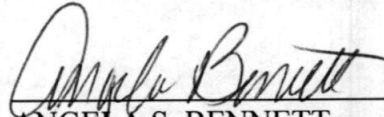
Appellant.

PROOF OF SERVICE

I, Angela S. Bennett, 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:

Benjamin John Tripp, 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 31st day of March, 2014.



ANGELA S. BENNETT
Legal Assistant

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Columbia, SC 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

March 31, 2014

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

RE: State v. Carolyn H. Poe – Appellate Case No. 2013-000356

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,

Mark R. Farthing
Assistant Attorney General
Bar Number 76901

MRF/
Enclosures

cc: Benjamin John Tripp, Esquire
Victim Services

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