

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

MAY 15 2014

Appeal From Berkeley County
The Honorable R. Markley Dennis, Circuit Court Judge
Appellate Case No. 2012-213388

Court of Appeals

THE STATE,

Respondent,

v.

ROGER WILLIAMS,

Appellant.

**MOTION TO FILE INITIAL BRIEF OF RESPONDENT
OUT OF TIME AND FOR EXTENSION**

Respondent State of South Carolina hereby moves to file the Initial Brief of Respondent out of time and for an extension of time within which to file it. The basis for Respondent's Motion is set forth below.

The Initial Brief of Respondent was due on April 7, 2014. As evidenced by the email attached hereto as Exhibit A, on April 7, counsel requested a thirty day extension to file the Initial Brief. While the email was appropriately sent to opposing counsel, counsel inadvertently failed to direct it to the Court. The requested extension would have extended the deadline to May 7, 2014.

As evidenced by the email attached hereto as Exhibit B, on May 7, counsel requested a second thirty day extension of time to file the Initial Brief of Respondent, which would extend the deadline to June 6, 2014. After requesting the second extension, counsel learned the April 7,

2014, email did not go to the Court, and consequently, the time to file the Initial Brief expired on April 7.

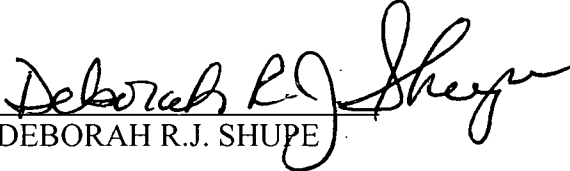
The State now moves to file the Initial Brief of Respondent out of time, and for an extension to June 7, 2014, to file and serve the Initial Brief. This request is due to counsel's heavy workload, and is not intended for purposes of delay.

The undersigned consulted with opposing counsel regarding this Motion, and is authorized to advise the Court opposing counsel consents to the requested relief.

Respectfully Submitted,

ALAN WILSON
Attorney General

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General

BY: 
DEBORAH R.J. SHUPE

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

ATTORNEYS FOR RESPONDENT

May 15, 2014

EXHIBIT A

Sally Ellison

From: Sally Ellison
Sent: Monday, April 07, 2014 9:24 AM
To: shackett@sccid.sc.gov; sflynn@sccid.sc.gov
Cc: Deborah R. J. Shupe (DShupe@scag.gov)
Subject: The State v. Roger Williams

Follow Up Flag: Worldox

Clerk's Office
South Carolina Court of Appeals

Re: The State v. Roger Williams
Appellate Case No. 2012-213388

The Initial Brief of Respondent and Designation of Matter in the above appeal are due to be served and filed April 7, 2014. However, due to a heavy workload, I am requesting a 30-day extension. This is the first extension request in this case, and it is not intended for the purpose of delay. By copy of this email, I am advising counsel for Appellant, Susan Hackett, Esquire, of this extension request.

Sincerely,

Deborah R.J. Shupe
Senior Assistant Deputy Attorney General

Sally Ellison
Legal Assistant
Criminal Appeals
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549

EXHIBIT B

Sally Ellison

From: Sally Ellison
Sent: Wednesday, May 07, 2014 12:28 PM
To: coaextensions@sccourts.org; shackett@sccid.sc.gov; sflynn@sccid.sc.gov
Cc: Deborah R. J. Shupe (DShupe@scag.gov)
Subject: The State v. Roger Williams

Follow Up Flag: Worldox

Clerk's Office
South Carolina Court of Appeals

Re: The State v. Roger Williams
Appellate Case No. 2012-213388

The Initial Brief of Respondent and Designation of Matter in the above appeal are due to be served and filed May 7, 2014. However, due to a heavy workload, I am requesting a 30-day extension. This is the second extension request in this case, and it is not intended for the purpose of delay. By copy of this email, I am advising counsel for the Appellant, Susan Hackett, Esquire, of this extension request.

Sincerely,

Deborah R.J. Shupe
Senior Assistant Deputy Attorney General

Sally Ellison
Legal Assistant
Criminal Appeals
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549

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PROOF OF SERVICE

I, Sally B. Ellison, certify I served Respondent's Motion to File Initial Brief of Respondent Out of Time and For Extension on Appellant by depositing a copy in the United States mail, postage prepaid, addressed to:

Susan B. Hackett
Assistant Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

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

This 15th day of May, 2014.



SALLY B. ELLISON
Legal Assistant

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



ALAN WILSON
ATTORNEY GENERAL

May 15, 2015

Susan B. Hackett
Assistant Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

Re: State v. Roger Williams
Appellate Case No. 2012-213388

Dear Ms. Hackett:


Enclosed herewith and served upon you is a copy of Respondent's Motion to File Initial Brief of Respondent Out of Time and For Extension, with proof of service, in the above-referenced case.

Sincerely,

Deborah R.J. Shupe
Senior Assistant Deputy Attorney General

DRJS/sbe

Enclosures

cc:  The Honorable Jenny Abbott Kitchings (original and 2 copies enclosed)
Victim Services (with enclosure)