

**RECEIVED**  
MAY 23 2014  
SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Certiorari to Sumter County  
Honorable William Jeffrey Young, Circuit Court Judge  
Appellate Case No. 2013-0001297

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STATE OF SOUTH CAROLINA,

APPELLANT,

vs.

LEROY CLIFTON GIBBS,

RESPONDENT.

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**MOTION TO FILE EXTENSION REQUEST OUT OF TIME  
AND  
MOTION FOR FIRST EXTENSION OF TIME WITHIN WHICH  
TO SERVE AND FILE THE INITIAL BRIEF OF RESPONDENT AND  
DESIGNATION OF MATTER**

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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 were due to be served and filed on April 24, 2014. However, due to a calendaring error, counsel for the State mistakenly failed to file a request for first extension on that date.

**II.**

As a result of the calendaring error, the State respectfully asks this Court to relax the requirements of Rule 243, SCACR, and permit the State to file a motion for a first extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter out

of time. See Rule 263(b), SCACR (“The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rule 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof.”). The undersigned counsel apologizes for any inconvenience this request has caused to the Court and to the appellant and does not believe this request will result in any prejudice to the petitioner should it be granted.

### III.

Additionally, 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 first extension in the above-referenced matter. Due to work required in other cases pending before this Court, the South Carolina Supreme Court, and the Circuit Courts, I am unable to complete this Brief on time.

### IV.

This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared. I would therefore ask this Court to accept the State’s motion for an extension of time out of time and to grant an extension of time within which to serve and file the Brief of Respondent and Designation of Matter.

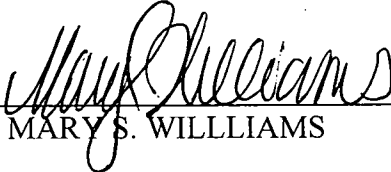
**WHEREFORE**, Respondent prays that the Court relax the requirements of Rule 243, SCACR; accept the filing of the Motion for First Extension of Time Within Which to Serve and File the Initial Brief of Respondent and Designation of Matter out of time; extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty (30) days 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

JULIE KATE KEENEY  
Assistant Attorney General

MARY S. WILLIAMS  
Assistant Attorney General

By:   
MARY S. WILLIAMS

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

May 23, 2014

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**PROOF OF SERVICE**

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I, Ellen DuBois, certify that I have served the within Motion to File Extension Request Out of Time and Motion for First 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:

Lara M. Caudy, Esquire  
South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, SC 29211-1589

I further certify that all parties required by Rule to be served have been served.  
This 23<sup>rd</sup> day of May, 2014.



ELLEN DUBOIS  
Legal Assistant

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



ALAN WILSON  
ATTORNEY GENERAL

May 23, 2014

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

RE: State v. Leroy Clifton Gibbs  
Appellate Case No. 2013-0001297

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of the Motion to File Extension Request Out of Time and Motion for First Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter for filing in the above-referenced appeal.

Sincerely,

Mary S. Williams  
Assistant Attorney General  
Bar Number 76192

MSW/erd  
Enclosures

cc: Lara M. Caudy, Esquire  
Victim Services

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