

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal From Orangeburg County  
Edgar W. Dickson, Circuit Court Judge

\_\_\_\_\_  
The State,

Respondent,

v.

Cedric Flood,

Appellant.  
\_\_\_\_\_

**MOTION OUT OF TIME FOR THIRD EXTENSION  
TO SERVE AND FILE RESPONDENT'S INITIAL BRIEF**  
\_\_\_\_\_

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

I.

The Initial Brief of Respondent and Designation of Matter were due to be served and filed on July 11, 2011. Due to an oversight by the undersigned, the motion for third extension was not timely filed. Respondent asks this Court to accept the motion for third extension out of time.

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.

III.

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

WHEREFORE, Respondent prays that the Court accept this motion for third extension out of time, 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 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

JOHN W. McINTOSH  
Chief Deputy Attorney General

SALLEY W. ELLIOTT  
Assistant Deputy Attorney General

JULIE KATE KEENEY  
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ATTORNEYS FOR RESPONDENT

July 12, 2012

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
Appeal From Orangeburg County  
Edgar W. Dickson, Circuit Court Judge

The State,

Respondent,

v.

Cedric Flood,

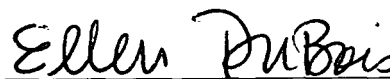
Appellant.

**PROOF OF SERVICE**

I, Ellen DuBois, certify that I have served the within Motion Out of Time for Third Extension of Time to Serve and File Respondent's Initial Brief on Appellant by depositing copies of the same in the United States mail, postage prepaid, addressed to:

Susan B. Hackett, 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 12<sup>th</sup> day of July, 2012



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



ALAN WILSON  
ATTORNEY GENERAL

July 12, 2012

**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. Cedric Flood

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of Respondent's Motion Out of Time for Third Extension of Time to Serve and File Respondent's Initial Brief along with proof of service for filing in the above-referenced appeal.

Sincerely,

Julie Kate Keeney  
Assistant Attorney General

Enclosures

cc: Susan B. Hackett, Esquire  
Victim Services