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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

Robert E. Hood, Circuit Court Judge

Appellate Case No. 2013-001680

RECEIVED

JUN 03 2014

SC Court of Appeals

Marcus Bailey,.....Appellant,

v.

The State of South Carolina,.....Respondent.

MOTION FOR EXTENSION OF TIME

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, the undersigned attorney, counsel for Appellant Marcus Bailey, moves for an extension of the deadline for serving and filing the appellant's initial brief and designation of matter to be included in the record on appeal. These documents were due to be filed by Appellant on June 4, 2014.

Counsel for the Appellant is a Major in the South Carolina Army National Guard. Counsel was activated by the Army for annual training the week of May 19 - 23, 2014, and has just returned to the office. A copy of those Orders are attached for the Court's file. Matters have been postponed and rescheduled. This military service created an unusually heavy burden on counsel's practice. As a result, counsel was unable to operate his practice

Because of counsel's Military Orders last week, my office has not been able to complete the Initial Brief and Designation of Matter. At present, counsel will be unable to complete these

AIB 4th

documents by the June 4, 2014 deadline. Accordingly, counsel respectfully moves for a thirty-day extension in which to file the appellant's initial brief and designation of matter to July 4, 2014.

Respectfully submitted,



Stanley L. Myers
M. Brooks Biediger
Moore Taylor Law Firm, P.A.
P.O. Box 5709
West Columbia, South Carolina 29171
Telephone: 803-796-9160

Counsel for Appellant.

West Columbia, South Carolina
May 29, 2014

FOR OFFICIAL USE ONLY - PRIVACY ACT

STATE OF SOUTH CAROLINA MILITARY DEPARTMENT
Office of the Adjutant General
1 National Guard Road
Columbia, South Carolina 29201-4766

ORDERS 079-081

20 March 2014

MYERS STANLEY L [REDACTED] MAJ 59 TROOP COMMAND
(793AA-100) 3528 PLATT SPGS RD WEST COLUMBIA SC 29170

You are ordered to annual training (AT) for the period shown. Upon completion of the period of annual training you will return to place where entered on annual training and are released from such duty.

Period (TDY) : 19 May 2014 - 23 May 2014
Report to: Clarks Hill Training Site, Plum Branch, SC 29845
Reporting time/date: NLT 0730 hours on 19 May 2014
Purpose: Year-Round AT
Additional instructions:

- (a) Soldiers with orders authorizing travel entitlements beyond mileage reimbursement will file their voucher utilizing DTS. Mileage only entitlements can be reimbursed via Military Pay.
- (b) Government quarters will be used.
- (c) All government meals are available and directed.
- (d) Travel by POV authorized. Mileage reimbursement and per diem limited to constructive cost of common carrier transportation & related per diem as determined in JTR. Travel time limited as indicated in JTR.
- (e) PAY CERTIFICATION. I certify that I have personal knowledge or I have personally verified that duty has been performed for the following period: From _____ To _____
Date Certified _____ Signature _____
Print name & rank of person certifying order _____
- (f) This is a PAY & ALLOWANCES ORDER ONLY.
Travel Authorization and Voucher must be completed in the Defense Travel System (DTS). Do NOT file a manual (paper) 1351-2 travel voucher. Upload this order as a Substantiating Record into the DTS travel authorization / local voucher.

FOR ARMY USE

Auth: Title 32 USC 502(a)(2)
HOR: 3436 HENBET DR WEST COLUMBIA SC29169
APC DJMS-RC: E7F111 TDC 111 Year-Round AT
APC STANFINS Pay: SP3S APC STANFINS Travel: SP3S
Acct clas:
Off pay/alw: 2142060 18-1038 P1A11.0200-1198/1199/1210/1250 S38084 PBO 793AA
Off tvl/pd: 2142060 18-1038 P1A11.0200-21T2 S38084 PBO 793AA
SRN: MYE28030790810 JON/CCC: SP3S44/44SP3S Cost Estimate: \$ 1,591
PEBD: 970929
Federal WE: S00
State tax code: SC
Marital status / Number of dependents: M03

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Sir,

See attached AT orders

Robert E. Curry

803-299-6613

READINESS NCO

HHD 59th TROOP COMMAND

Aquila non Captat Muscas

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

Robert E. Hood, Circuit Court Judge

Appellate Case No. 2013-001680

Marcus Bailey,.....Appellant,

v.

The State of South Carolina,.....Respondent.

PROOF OF SERVICE

I certify that I served the Motion for Extension, by mail, postage prepaid, to Respondents' counsel on June 3rd, 2014 to:

Donald J. Zelenka, Esquire
Senior Assistant Deputy Attorney General
South Carolina Attorney General's Office
P.O. Box 11549
Columbia, S.C. 29211
Telephone: 803-734-3601



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Amber Cary Fulmer
Sarah Taylor Cassidy
Margaret "Meg" Hazel
Billy C. Coleman (Ret.)

June 2, 2014

HAND DELIVERED

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

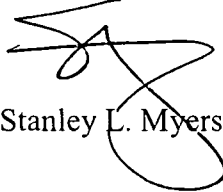
Re: State vs. Marcus Bailey
Appellate Case No. 2013-001680

Dear Ms. Kitchings:

The Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal is due to be served and filed on June 4, 2014. Enclosed is our original and six copies of Motion for Extension of Time.

By copy of this letter, I am serving Senior Assistant Deputy Attorney General Donald J. Zelenka with the same.

Yours very truly,



Stanley L. Myers

SLM/kbk
Enclosures

cc: Donald J. Zelenka, Esquire
(with enclosure)

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JUN 03 2014

SC Court of Appeals