

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Greenwood County  
Honorable William P. Keesley, Circuit Court Judge  
Appellate Case No. 2014-001798

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**RECEIVED**

DEC 22 2014

Appellant, **SC Court of Appeals**

THE STATE,

vs.

BRYAN FERGUSON,

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 INITIAL BRIEF OF APPELLANT AND  
DESIGNATION OF MATTER**

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Appellant (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

**I.**

The Initial Brief of Appellant and Designation of Matter were due to be served and filed on December 19, 2014. However, due to a calendaring error, counsel for the State mistakenly failed to file those documents on December 19, 2014.

**II.**

As a result of the calendaring error, the State respectfully asks this Court to relax the requirements of Rule 208(a), SCACR, and Rule 209(a), 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 Appellant

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 respondent and does not believe this request will result in any prejudice to the respondent 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 criminal appeal. Due to work required in other cases pending before this Court and the South Carolina Supreme Court, I have been unable to complete this brief on time. This extension request is not intended for purposes of delay, but rather to ensure that the brief is properly researched and prepared. The undersigned is currently working on the brief in this case and hopes to have it completed in a timely manner. 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 Initial Brief of Appellant and Designation of Matter.

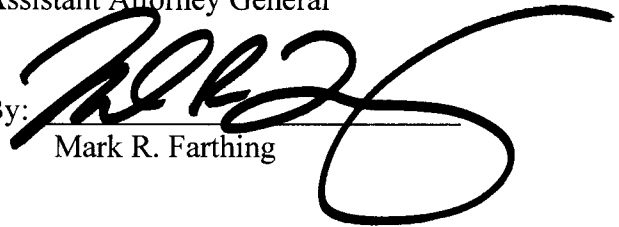
**WHEREFORE**, Appellant prays that the Court relax the requirements of Rule 242(f), SCACR; accept the filing of the Motion for First Extension of Time Within Which to Serve and File Initial Brief of Appellant and Designation of Matter out of time; extend the deadline for the service and filing of the Initial Brief of Appellant 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:

A large, stylized handwritten signature in black ink, appearing to read 'MRF', is written over a horizontal line.

Mark R. Farthing

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

December 22, 2014

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THE STATE,

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**PROOF OF SERVICE**  
\_\_\_\_\_

I, Ellen R. 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 Appellant and Designation of Matter on Respondent by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Billy J. Garrett, Jr., Esquire  
The Garrett Law Firm, PC  
109 Oak Avenue  
Greenwood, South Carolina 29646

I further certify that all parties required by Rule to be served have been served.  
This 22nd day of December, 2014.

*Ellen R. DuBois*

\_\_\_\_\_  
ELLEN R. DuBOIS  
Legal Assistant

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



ALAN WILSON  
ATTORNEY GENERAL

December 22, 2014

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**SC Court of Appeals**

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

RE: State v. Bryan Ferguson – Appellate Case No. 2014-001798

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 Appellant 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: Billy J. Garrett, Jr., Esquire  
Victim Services