

2nd ext  
8-9-12  
9-10-12

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal From Lexington County  
Honorable R. Knox McMahon, Circuit Court Judge

**RECEIVED**  
AUG 09 2012

**SC Court of Appeals**

THE STATE.

RESPONDENT,

vs.

LEXI DIAL, III,

APPELLANT.

**PETITION FOR EXTENSION OF TIME TO SERVE AND FILE THE INITIAL  
BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

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

I.

The Initial Brief of Respondent and Designation of Matter are due to be filed and served today (August 9, 2012), pursuant to one previous extension granted by the Court.

II.

Due to work required in other cases pending before this Court and the lengthy record and number of issues raised on appeal, I am unable to complete this Brief on time.

I would therefore request an extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

III.

This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared.

WHEREFORE, Respondent prays that the Court 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; 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

CHRISTINA J. CATOE  
Assistant Attorney General

BY: 

CHRISTINA J. CATOE

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

ATTORNEYS FOR RESPONDENT

August 9, 2012

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal From Lexington County  
Honorable R. Knox McMahon, Circuit Court Judge  
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THE STATE.

Respondent,

vs.

LEXI DIAL, III,

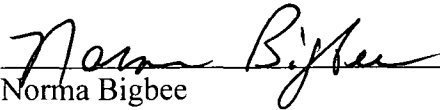
Appellant.

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

I, Norma Bigbee certify that I have served the Petition for Extension of Time to Serve and File the 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 his attorney of record, H. Wayne Floyd, Esquire, 1611 Augusta Rd., W. Columbia, SC 29171-3972.

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

This 9<sup>th</sup> day of August, 2012.

  
\_\_\_\_\_  
Norma Bigbee  
Legal Assistant

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

2nd ext  
8.9.12  
9.10.12



ALAN WILSON  
ATTORNEY GENERAL

August 9, 2012

**RECEIVED**  
AUG 09 2012  
SC Court of Appeals

**VIA HAND DELIVERY**

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

RE: **State v. Lexie Dial, III**  
**2010-GS-32-1876**  
**Case Tracking No: 2011190693**

Dear Ms. Kitchings:

Enclosed please find the Original and six (6) copies of the Petition for Extension of Time in which to Serve and File the Initial Brief of Respondent and Designation of Matter in the above case.

Sincerely,

Christina J. Catoe  
Assistant Attorney General

CJC/nb

Enclosures

cc: H. Wayne Floyd, Esquire (2 copies)  
Ms. Trisha Allen