

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Newberry County
Honorable Eugene C. Griffith, Jr., Circuit Court Judge
Appellate Case Tracking No. 2014-002358

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AUG 19 2015

SC Court of Appeals

The State,

Respondent,

vs.

Toaby Alexander Trapp,

Appellant.

**MOTION FOR THIRD EXTENSION
TO SERVE AND FILE 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 served and filed August 19, 2015.

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. The undersigned is currently working on this Brief and will have it completed in a timely manner. However, 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. Further, the undersigned has missed multiple days of work due to illness.

The undersigned has filed several Petitions for Rehearing in cases in the South Carolina Supreme Court as well as Returns to Petitions for Certiorari. Additionally, the undersigned has filed Briefs in several cases in which deadlines were before the current appeal.

III.

This extension request is not intended for purposes of delay, but rather to ensure the Brief is properly researched and prepared. The undersigned anticipates completing the Brief without need for any further extensions. I would 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 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

WILLIAM M. BLITCH, JR.
Assistant Attorney General



Salley W. Elliott

Senior Assistant Deputy Attorney General



William M. Blitch, Jr.
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

August 19, 2015

ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA

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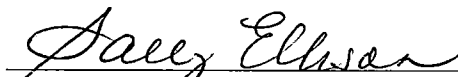
PROOF OF SERVICE

I, Sally Ellison, certify that I have served the Motion for Third Extension to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by depositing a copy of same in the United States mail, postage prepaid, addressed to:

Dietrich A. Lake, Esquire
The Lake Law Firm
1034 Briargate Circle Suite 201
Columbia, South Carolina 29210

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

This 19th day of August, 2015.



SALLY ELLISON
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

August 19, 2015

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

Re: State v. Toaby Alexander Trapp
Appellate Case Tracking No. 2014-002358

Dear Ms. Kitchings:

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

Sincerely,

William M. Blich, Jr.
Assistant Attorney General

Enclosures

cc: Dietrich A. Lake, Esquire
Victim Services