

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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DEC 09 2015
SC Court of Appeals

Appeal from Dorchester County
Honorable D. Craig Brown, Circuit Court Judge
Appellate Case No. 2014-002337

THE STATE,

Respondent,

vs.

TYRONE DARIUS ELLISON,

Appellant.

**MOTION FOR THIRD EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTER**

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

I.

The Initial Brief of Respondent and Designation of Matter are due to be served and filed on December 9, 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 State moves for a **third** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. In the past few weeks, the undersigned has participated in oral argument at the Supreme Court in State v. Alex Robinson;

has participated in oral argument at the Court of Appeals in State v. Darius Dominic Mack, State v. Nathaniel Witherspoon, and State v. Dennis M. Penny, II; has submitted a Return to Petition for Writ of Certiorari in the Supreme Court in State v. Walter M. Bash and State v. Sheldon Lamar Kelly; and has submitted an Initial Brief of Respondent to the Court of Appeals in State v. Dominique M. Ross, State v. Christopher D. Campbell, State v. Billy Leon Alford, and State v. Jajuan Andre Habersham.

III.

This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared. The Brief in the above case has required significant research because the case involves two significant issues on appeal. The undersigned is currently working on the Brief in this case and hopes to have it completed in a timely manner. I would therefore request an extension of time within which to serve and file the Brief.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Brief of Respondent and Designation of Matter in this case for thirty (30) days from the date such relief is granted; hold the matter in abeyance pending a ruling on Respondent's motion; and grant 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: 

Mark R. Farthing

By: 
J. Benjamin Aplin

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

December 9, 2015

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PROOF OF SERVICE

I, Anne A. Mueller, certify that I have served the within Motion for Third Extension of Time Within Which to Serve and File 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:

David Alexander, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 9th day of December, 2015.


ANNE A. MUELLER
Legal Assistant

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



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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

December 9, 2015

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

RE: State v. Tyrone Darius Ellison – Appellate Case No. 2014-002337

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of the Motion for Third Extension of Time Within Which 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,

Mark R. Farthing
Assistant Attorney General
Bar Number 76901

MRF/
Enclosures

cc: David Alexander, Esquire
Victim Services