

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Stephanie P. McDonald, Circuit Court Judge

Appellate Case No. 2014-002129

RECEIVED

DEC 02 2015

SC Court of Appeals

STATE OF SOUTH CAROLINA,

Appellant,

v.

MARVIN BROWN,

Respondent.

**MOTION TO RELAX RULE FOR
FILING INITIAL REPLY BRIEF OF APPELLANT
UNTIL MONDAY DECEMBER 7, 2015**

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The Appellant State of South Carolina, above-named, hereby make a motion to this Court to relax Rule 208(a)(3) to allow the filing of an Initial Reply Brief of Appellant on or before Monday December 7, 2015. The Initial Brief of Respondent was mailed to below-signed counsel on November 12, 2015 and the time for the filing of a Reply Brief was not calendared.

This error was realized on December 1, 2015 by below-signed counsel. At that time, below-signed counsel contacted opposing counsel for Mr. Brown, Susan Hackett, who advised counsel that she had no objection to this request.

The Appellant's counsel will try to complete the filing on or before Monday December 7, 2015. This will not delay perfection of the appeal inasmuch as the Record on Appeal is due to be completed on December 12, 2015. The request until Monday December 7, 2015 because of extraordinary circumstances to an illness of a critical staff member and re-assignment of argument and cases within the office that have a higher priority and undertaken by counsel.

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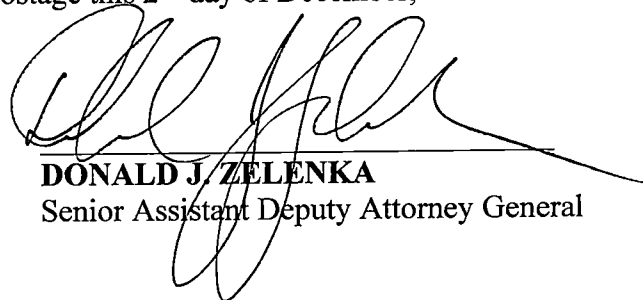
Respondent.

CERTIFICATE OF SERVICE

I, Donald J. Zelenka, hereby certify that I have served Appellant's MOTION TO RELAX RULE FOR FILING INITIAL REPLY BRIEF OF APPELLANT UNTIL MONDAY DECEMBER 7, 2015 on:

Susan Hackett, Esq.
Appellate Defender
SCCID/Division of Appellate Defense
PO Box 11589
Columbia, SC 29211

by depositing a copy in the Mail with sufficient postage this 2nd day of December, 2015.



DONALD J. ZELENA
Senior Assistant Deputy Attorney General



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ALAN WILSON
ATTORNEY GENERAL

December 2, 2015

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

Re: The State v. Marvin Brown
Appellate Case No. 2014-002129

Dear Ms. Kitchings:

Enclosed please find a Motion to Relax Rule for Filing Initial Reply Brief of Appellant in the above-referenced matter for the Court's review and consideration. By copy of this letter, I am serving opposing counsel with same.

Sincerely,

Lonetta B. Brawley
Legal Assistant to Donald J. Zelenka
Senior Assistant Deputy Attorney General

/lbb
Enclosure

cc: Susan Hackett, Esquire