

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lancaster County
The Honorable R. Knox McMahon, Circuit Court Judge

General Sessions Case No. 2013-GS-29-00758; 00760; 00759
Appellate Case No. 2014-000166

THE STATE,

Respondent,

vs.

DAVID STALK,

Appellant.

**MOTION FOR SECOND EXTENSION OF TIME TO FILE
FINAL BRIEF OF RESPONDENT**

The undersigned counsel would respectfully request a twenty (20) day extension in which to file the Final Brief of Respondent in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Brief is due today, December 29, 2015, upon this Court's grant of Respondent's first request for an extension filed on December 10, 2015.

Counsel makes this request because he is awaiting receipt of a supplement to the Amended Record on Appeal to complete the Final Brief of Respondent. On December 7, 2015, counsel advised this Court that due to a printing error with the Record on Appeal, an amended Record on Appeal was forthcoming. On December 8,

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2015, counsel for Respondent received the Amended Record on Appeal. However, some of the pages designated for inclusion in the record were not in the Amended Record on Appeal. Counsel emailed and spoke with Appellant's counsel on December 9, 2015 advising of the missing pages in the Amended Record on Appeal. Today, counsel for Respondent was advised by counsel for Appellant that a Supplemental Record on Appeal including the missing pages from the Amended Record on Appeal, together with the Final Brief of Appellant, are scheduled to be mailed today.

WHEREFORE, premises considered, counsel hereby respectfully requests a twenty (20) day extension of time to serve and file the Final Brief of Respondent.

Respectfully Submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

ALPHONSO SIMON, JR.
Assistant Attorney General
Bar No. 74713

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By:


ALPHONSO SIMON, JR.

December 29, 2015.

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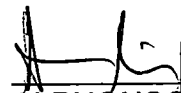
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PROOF OF SERVICE

I, Alphonso Simon, Jr., of counsel for the Respondent, certify that I have served two (2) copies of the within motion for a second extension to file the Final Brief of Respondent via U.S. mail to his attorneys of record, Raia Jane Hirsch, Esq., 1720 Main Street, Ste. #301, Columbia, South Carolina 29201, and to Robert M. Dudek, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Ste. #401, Columbia, South Carolina 29201.

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

This 29th day of December, 2015.



ALPHONSO SIMON, JR.
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305



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ALAN WILSON
ATTORNEY GENERAL

December 29, 2015

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

Re: The State v. David Stalk
Appeal from Lancaster County
Appellate Case No. 2014-000166

Dear Ms. Kitchings:

I hereby request an extension of twenty (20) days in which to file the Final Brief of Respondent in the above-referenced case. The Final Brief is currently due to be served and filed today, December 29, 2015.

Therefore, I am enclosing an original and six (6) copies of a Motion for Second Extension of Time to File Final Brief of Respondent. I have contacted opposing counsel and have obtained consent to this request.

Sincerely,

Alphonso Simon, Jr.,
Assistant Attorney General

AS/dmd
Enclosures

cc: Raia Jane Hirsch, Esq. (w/two copies of encls.)
Robert M. Dudek, Esq. (w/two copies of encls.)