

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Georgetown county
Honorable Steven H. John, Circuit Court Judge
Appellate Case Tracking No. 2015-000280

RECEIVED
FEB 18 2016
SC Court of Appeals

IN THE MATTER OF THE CARE AND TREATMENT
OF DARYL T. SNOW,

APPELLANT.

**MOTION TO FILE OUT OF TIME THE INITIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTER AND FOR AN EXTENSION OF TIME
TO FILE AND SERVE THESE PLEADINGS**

Respondent, State of South Carolina, hereby moves for an extension out of time to serve and file the Initial Brief of Respondent and Designation of Matter to be included in the Record on Appeal.

1. The Initial Brief of Respondent and Designation of Matter were due to be served and filed January 28, 2016, pursuant to a first extension. The undersigned was unable to complete the Brief and Designation of Matter by January 28, 2016, and intended to seek another extension, which would make the due date February 29, 2016. Counsel was out of the office for a significant period of time between January 27 and February 18, and due to an oversight, the extension request was not completed and forwarded to the Court and opposing counsel.

2. Respondent requests a second extension to serve and file these documents, which is not made for the purpose of delay, but due to counsel's unavoidable significant absences from the office relating to a work related injury. Counsel continues to be on a

medically required work restriction, and is only able to work a few hours per day when possible. Since the Court granted the first extension, counsel has completed and filed multiple briefs and returns in other cases with earlier deadlines and extensions. Counsel assures the Court she will make every effort to complete, serve, and file the pleadings in the case as soon as possible.

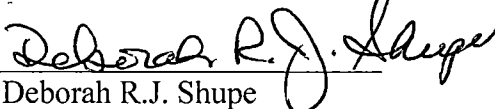
3. The undersigned consulted with counsel for the Appellant, and she is authorized to advise the Court he consents to the requested relief.

Based on the foregoing, Respondent respectfully requests that this Court grant out of time a second extension in which to file the Initial Brief of Respondent and Designation of Matter, and that all deadlines be held in abeyance pending resolution of this motion.

Respectfully submitted,

ALAN WILSON
Attorney General

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General

BY: 
Deborah R.J. Shupe

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

ATTORNEYS FOR RESPONDENT

February 18, 2016

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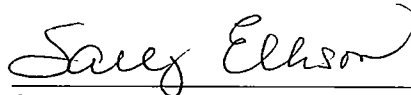
PROOF OF SERVICE

I, Sally Ellison, certify that I have served the Motion to File Out of Time the Initial Brief of Respondent and Designation of Matter and for an Extension of Time to File and Serve These Pleadings, on Appellant by depositing a copy of 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, South Carolina 29211

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

This 18th day of February 2016.



SALLY ELLISON
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

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SC Court of Appeals

VIA HAND DELIVERY

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

Re: In the Matter of the Care and Treatment of Daryl T. Snow
Appellate Case No. 2015-000280

Dear Ms. Kitchings:

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

Sincerely,

Deborah R.J. Shupe
Senior Assistant Deputy Attorney General

DRJS/sbe
Enclosures

cc: David Alexander, Esquire
Victim Services