

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Aiken County  
Honorable Michael G. Nettles, Circuit Court Judge  
Appellate Case No. 2013-000568

RECEIVED  
MAR 21 2016  
SC Court of Appeals

THE STATE,

Respondent,

vs.

BARRY EUGENE LAFAVOR,

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 March 21, 2016.

**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 Court of Appeals in State v. Ernest Maurice

Allen and State v. Shawndell Q. McClenton; has submitted a Return to Petition for Writ of Certiorari in the Supreme Court in State v. Thompson; has submitted an Initial Brief of Appellant to the Court of Appeals in State v. Hughes; and has submitted an Initial Brief of Respondent to the Court of Appeals in State v. Ellison and State v. Furquan.

**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.

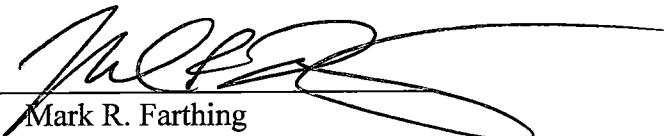
**WHEREFORE**, Appellant prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty days from the date such relief is granted; hold the matter in abeyance pending a ruling on Respondent's motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

MARK R. FARTHING  
Assistant Attorney General

**RECEIVED**  
MAR 21 2016  
SC Court of Appeals

By:   
Mark R. Farthing

By:   
J. Benjamin Aplin

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

March 21, 2016

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Aiken County  
Honorable Michael G. Nettles, Circuit Court Judge  
Appellate Case No. 2013-000568

RECEIVED

MAR 21 2016

SC Court of Appeals

THE STATE,

Respondent,

vs.

BARRY EUGENE LAFAVOR,


Appellant.

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 sending two copies of the same to:

Lara M. Caudy, 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 21st day of March, 2016.

  
ANNE A. MUELLER  
Legal Assistant

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



ALAN WILSON  
ATTORNEY GENERAL

March 21, 2016

RECEIVED  
MAR 21 2016  
SC Court of Appeals

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

RE: State v. Barry Eugene Lafavor – Appellate Case No. 2013-000568

Dear Ms. Kitchings:

Enclosed please find the original and six 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: Lara M. Caudy, Esquire  
Victim Services