

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
The Honorable Robert E. Hood, Circuit Court Judge
Appellate Case No. 2014-001366

RECEIVED
APR 29 2016
SC Court of Appeals

THE STATE,

Respondent,

v.

JOHNNY NEIL SEXTON,

Appellant.

**MOTION FOR THIRD EXTENSION TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

Respondent, State of South Carolina, inadvertently moved for a second extension to file the Initial Brief of Respondent and Designation of Matter by email on April 25, 2016. The request should have been a request for a third 30-day extension of time. Therefore, Respondent hereby moves for a third 30-day extension of time to file the Initial Brief of Respondent and Designation of Matter to be included in the Record on Appeal. In support of this motion, Respondent submits the following.

1. The Initial Brief of Respondent and Designation of Matter was due to be filed and served April 25, 2016, pursuant to a second extension. Respondent requests a third 30-day extension to serve and file these documents, which is not made for the purpose of delay, but due to counsel's significant absences from the office relating to a work related injury. Counsel is on

a medically required work restriction, and is only able to work a few hours per day when possible.

2. Counsel has worked on the Initial Brief and Designation in this matter, but was not able to complete it prior to the due date. Counsel assures the Court completion of this brief is a high priority, and she will work diligently to complete it.

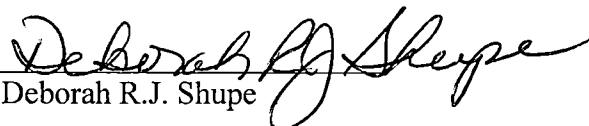
3. The undersigned consulted with counsel for the Appellant, and she is authorized to advise the Court he consents to the requested relief.

Based on the foregoing, Respondent respectfully requests that this Court grant a third 30-day 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

J. BEN APLIN
Senior Assistant Deputy Attorney General

BY: 
J. Benjamin Aplin

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

ATTORNEYS FOR RESPONDENT

April 29, 2016

STATE OF SOUTH CAROLINA

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PROOF OF SERVICE

I, Sally Ellison, certify that I have served the Motion for Third Extension to File Initial Brief of Respondent and Designation of Matter, 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 29th day of April, 2016



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



ALAN WILSON
ATTORNEY GENERAL

April 29, 2016

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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: The State v. Johnny Neil Sexton
Appellate Case No. 2014-001366

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of a Motion for Third Extension to File Initial Brief of Respondent and Designation of Matter, 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: LaNelle C. DuRant, Esquire
Victim Services