

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Georgetown County
Honorable Benjamin H. Culbertson, Circuit Court Judge
Appellate Case No. 2015-001023

RECEIVED
FEB 16 2016
SC Court of Appeals

THE STATE,

Respondent,

vs.

Loushonda Myers,

Appellant.

**MOTION TO FILE INITIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTER OUT OF TIME**

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 were due to be served and filed on Friday, January 29, 2016. Initially, it appeared that Appellant’s IBOA was not accepted by this Court because it did not appear to have been properly filed.¹ Nevertheless, after following up with the Clerk’s Office, it appeared that the IBOA was accepted and that the IBOR was due on January 29, 2016. The State is contemporaneously serving and filing the Initial Brief of Respondent and Designation of Matter today, February 12, 2016, with the filing of this motion.

II.

¹ <http://ctrack.sccourts.org/public/caseView.do?csIID=59475>

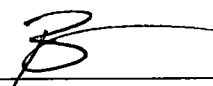
The State respectfully asks this Court to relax the requirements of Rule 208(a)(2), SCACR, and permit the State to file the Initial Brief of Respondent and Designation of Matter in this case out of time. See Rule 263(b), SCACR (“The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rule 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof.”). The undersigned counsel apologizes for any inconvenience this request has caused to the Court and to the appellant and does not believe this request will result in any prejudice to the appellant should it be granted. If accepted, the IBOR and Designation of Matter will be filed before the expiration of a first extension - had one been requested.

WHEREFORE, Respondent prays that this Court relax the requirements of Rule 208(a)(2), SCACR; permit Respondent to file and serve the Initial Brief of Respondent and Designation of Matter out of time; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

BRIAN T. PETRANO
Assistant Attorney General

By: 

Brian T. Petrano

Office of the Attorney General
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Columbia, SC 29211
(803) 734-3731
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February 12, 2016

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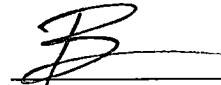
PROOF OF SERVICE

I, Brian T. Petrano, certify that I have served the within Motion to File Initial Brief of Respondent and Designation of Matter Out of Time on Appellant by delivering two copies of the same to:

LouShonda Myers
27 Wateree Trail
Georgetown, SC 29440

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

This 12th day of February, 2016.



BRIAN T. PETRANO
Assistant Attorney General

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3731



ALAN WILSON
ATTORNEY GENERAL

February 12, 2016

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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. Loushonda Myers – Appellate Case No. 2015-001023

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Motion to File Initial Brief of Respondent and Designation of Matter Out of Time, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Brian T. Petrano
Assistant Attorney General
Bar Number 074244

cc:
LouShonda Myers
27 Wateree Trail
Georgetown, SC 29440

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

ATTN: STATE GRAND JURY

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SC Court of Appeals