

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County
Eugene C. Griffith, Jr., Circuit Court Judge
Appellate Case No. 2015-000431

RECEIVED
JUL 13 2016
SC Court of Appeals

THE STATE,

Appellant,

vs.

JOHN KENNETH MASSEY, JR.,

Respondent.

**MOTION FOR THIRD EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER**

Appellant (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Initial Brief of Appellant and Designation of Matter are due to be served and filed on today’s date, July 13, 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 submitted a Return to Petition for a Writ of Certiorari in Mark Watson v. State and a Return

to Petition for a Writ of Certiorari in Tremaine Wray v. State, to the South Carolina Supreme Court. Additionally, the undersigned has submitted an Initial Brief of Respondent in State v. Wayne Beecher Carter, as well as accompanying motions and returns in that case to this Court.

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 a significant issue on appeal. The undersigned is currently working on the Brief in this case and hopes to have it completed in a timely manner. The State would therefore request an extension of time within which to serve and file the Brief.

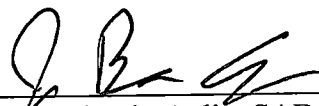
WHEREFORE, the State prays that the Court extend the deadline for the service and filing of the Brief of Appellant and Designation of Matter in this case for thirty days from the date such relief is granted; hold the matter in abeyance pending a ruling on the State's motion; and grant such other and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

Respectfully submitted,

ALAN WILSON
Attorney General

MEGAN HARRIGAN JAMESON
Assistant Attorney General
S.C. Bar 100108

By: 
Megan Harrigan Jameson, AAG

By: 
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July 13, 2016

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PROOF OF SERVICE

I, Megan Harrigan Jameson, certify that I have served the within Motion for Third Extension of Time Within Which to Serve and File Initial Brief of Appellant and Designation of Matter on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Robert M. Dudek, 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 13th day of July, 2016.


MEGAN HARRIGAN JAMESON
Assistant Attorney General

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



ALAN WILSON
ATTORNEY GENERAL

July 13, 2016

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

RE: State v. John Kenneth Massey, Jr. – Appellate Case No. 2015-000431

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 Appellant and Designation of Matter, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Megan Harrigan Jameson
Assistant Attorney General
S.C. Bar Number 100108

MHJ/
Enclosures

cc: Robert M. Dudek, Esquire
Victim Services