

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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JUL 14 2016

APPEAL FROM GREENWOOD COUNTY

SC Court of Appeals

Frank R. Addy, Circuit Court Judge

Appellate Case No. 2015-000980

The State,Respondent,

v.

Tavarious Settles,Appellant.

**MOTION FOR SECOND EXTENSION OF TIME TO FILE
INITIAL REPLY BRIEF OF APPELLANT**

Pursuant to Rules 240 and 263(b), SCACR, Appellant Tavarious Settles respectfully moves this Court for an extension of time in which to file the Initial Reply Brief of Appellant. In support of this Motion, Mr. Settles states as follows:

1. Mr. Settles' Initial Reply Brief currently is due July 18, 2016.
2. On July 13, 2016, Mr. Settles filed and served a motion to strike requesting that the Court issue an order striking portions of the State's Initial Respondent's Brief and Designation of Matter and requiring the State to submit an Amended Initial Respondent's Brief and Amended Designation of Matter without the offending portions.
3. Counsel for Mr. Settles calculates that the State's return to the motion to strike currently is due on July 25, 2016.

4. The resolution of the motion to strike will directly impact the arguments presented in Mr. Settles' Initial Reply Brief.

5. The resolution of the motion to strike also will directly impact the content of the Record on Appeal.

6. Accordingly, counsel for Mr. Settles requests that the Court extend the time for filing the Initial Reply Brief of Appellant until: (i) 10 days after the State serves its Amended Initial Respondent's Brief and Amended Designation of Matter, if the motion to strike is granted; or (ii) 10 days after an order from the Court denying the motion to strike.

7. Counsel for Mr. Settles submits that the requested extension is supported by good cause in light of the effect the resolution of the motion to strike will have on the content of Mr. Settles' Reply Brief and the Record on Appeal.

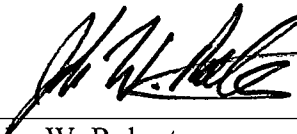
8. This is the second request for an extension of time in which to file the Initial Reply Brief of Appellant.

9. Counsel for Mr. Settles has consulted with counsel for the State, and the State has no objection to this request. Counsel for the State also indicated their intention to file a return to the motion to strike.

Counsel for Mr. Settles therefore respectfully requests that the Court grant this Motion and extend the time for filing the Initial Reply Brief of Appellant until: (i) 10 days after the State serves its Amended Initial Respondent's Brief and Amended Designation of Matter, if the motion to strike is granted; or (ii) 10 days after an order from the Court denying the motion to strike.¹

¹ If the Court is not inclined to grant this requested extension, counsel for Mr. Settles respectfully requests, in the alternative, an extension of time of 10 days to file the Initial Reply Brief, which would make the Initial Reply Brief due on July 28, 2016.

Respectfully submitted,



John W. Roberts

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Certificate of Service

This is to certify that I, a paralegal with the law firm Willoughby & Hoefer, P.A., have caused to be served this day one (1) copy of the **Motion for Second Extension of Time** by U.S.

Mail to the following:

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This 14th day of July 2016

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SC Court of Appeals

*ALSO ADMITTED IN TX
**ALSO ADMITTED IN WASHINGTON, D.C.

July 14, 2016

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court, Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: *The State v. Tavarious Settles*;
Appellate Case No. 2015-000980

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of the **Motion for Second Extension of Time** to file the Initial Reply Brief of Appellant along with a Certificate of Service. Please file-stamp the extra copy and return it via my courier.

Thank you for your time and consideration. If you have any questions or if you need any additional information, please do not hesitate to contact me.

Very truly yours,

WILLOUGHBY & HOEFER, P.A.



John W. Roberts

JWR/dbm
Enclosures

cc: Caroline M. Scrantom, Esquire
Robert M. Dudek, Esquire