

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM COLLETON COUNTY
Court of Common Pleas

Honorable Perry M. Buckner, III, Circuit Court Judge

Case No. 2016-CP-15-0626
Appellate Case No. 2016-001624

State of South Carolina,

Respondent,

v.

Daniel Glen Hieronymus,

Appellant.

**MOTION FOR EXTENSION OF TIME TO FILE RETURN TO RESPONDENT'S
MOTION TO DISMISS APPEAL FOR LACK OF JURISDICTION
PURSUANT TO SCACR RULES 240 AND 263**

Appellant filed a Notice of Appeal in this Honorable Court on August 4, 2016. On August 17, 2016, Respondent filed a Motion to Dismiss the Appeal. The Clerk of this Honorable Court acknowledged receipt of Respondent's Motion and issued a letter on August 19, 2016 directing Appellant to file a Return to the Motion within ten (10) days from the date of the letter, making Appellant's Return due on or before Monday, August 29, 2016. Appellant's Counsel received this letter (as well as Respondent's Motion) on August 22, 2016.

Appellant respectfully requests that this Honorable Court extend Appellant's time to file its Return to Respondent's Motion until September 8, 2016. Appellant requests this ten (10) day extension on the following grounds: (1) Appellant's Counsel received Respondent's Motion on Monday, August 22, 2016 and is Lead Counsel in a three day arbitration taking place August 24-26, 2016; (2) Appellant has not previously requested an extension in this case and; (3) the requested extension is for a reasonable amount of time and is not interposed for delay. Appellant's Counsel has contacted Respondent's Counsel and Respondent's Counsel does not object to the relief requested in this Motion.

Nancy Bloodgood / signed with express permission by Henry Sanders

Nancy Bloodgood, Esquire
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(843) 972-0313

Attorneys for Appellant

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State of South Carolina,

Respondent,

v.

Daniel Glen Hieronymus,

Appellant.

**MEMORANDUM IN SUPPORT OF MOTION FOR EXTENSION OF TIME TO
FILE RETURN TO RESPONDENT'S MOTION TO DISMISS APPEAL FOR
LACK OF JURISDICTION PURSUANT TO SCACR RULES 240 AND 263**

This Memorandum is filed pursuant to SCACR 240(c) which requires that motions filed in an appellate court shall include a memorandum with citation of authorities in support of the motion. Appellant respectfully requests that the deadline to file its Return to Respondent's Motion to Dismiss Appeal be extended to September 8, 2016. SCACR 263(b) prescribes that any justice of an appellate court may extend the time for performing any act under the Appellate Court Rules, with the exception of the time for serving a notice of appeal. Pursuant to SCACR 263(b), the decision to extend a prescribed time for performing an act is discretionary as the Rule uses the word "may."

Appellant's request for an extension is supported by good cause, specifically that Appellant's Return is currently due on Monday, August 29, 2016, but Appellant's Counsel received the Motion on August 22, 2016 and is involved in a three day arbitration beginning August 24, 2016. Respondent's Counsel does not object to Appellant's request for an extension. Appellant respectfully requests that this Court grant its request for an extension and order that Appellant's time to file a Return to Respondent's Motion to Dismiss be extended to September 8, 2016.

*signed w/express
Nancy Bloodgood / permission by Lucy Sanders*

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Attorneys for Appellant

THE STATE OF SOUTH CAROLINA
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State of South Carolina,

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**PROOF OF SERVICE FOR APPELLANT'S MOTION FOR EXTENSION OF
TIME TO FILE RETURN TO RESPONDENT'S MOTION TO DISMISS APPEAL
FOR LACK OF JURISDICTION**

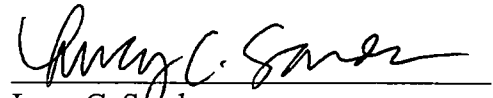
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Attorneys for the Appellant

I hereby certify that on August 23, 2016 I served a copy of the Motion for Extension of Time (and Supporting Memorandum) to the following:

Nicole Wetherton, Esquire
Assistant Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211
Attorneys for the Respondent

by placing a copy of said documents in the United States mail with sufficient postage thereon.



Lucy C. Sanders

Charleston, South Carolina

Date: 8/23/16



August 23, 2016

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AUG 25 2016
SC Court of Appeals

The Honorable Jenny Kitchings
Clerk, South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

RE: State of South Carolina v. Daniel Glen Hieronymus
Our File No.: 10709
Appellate Case No: 2016-001624

Dear Ms. Kitchings,

Enclosed please find the original and seven copies of Appellant's Motion for Extension to File Return to Respondent's Motion to Dismiss and Memorandum in Support. I have also enclosed the Certificate of Service and \$25.00 filing fee in connection with the above-referenced matter. Please file the original and return a clocked-in copy of the same to me in the enclosed self-addressed stamped envelope.

By copy of this letter to all counsel of record, I am likewise providing them with a copy of the same.

Thank you for your assistance in this matter.

With kindest regards, I am

Sincerely,

Nancy Bloodgood

NB/alk
Enclosures

cc: Nicole Wetherton, Esquire

J

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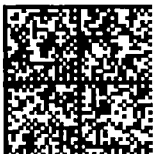
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