

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SALUDA COUNTY
Court of General Sessions
Honorable J. Michael Baxley, Circuit Court Judge

RECEIVED
AUG 31 2016
SC Court of Appeals

Appellate Case No. 2013-002304

THE STATE,RESPONDENT,

v.

GERALD RUDELL WILLIAMS,.....APPELLANT.

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

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 are due to be served and filed on August 31, 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 an Initial Brief of Respondent to the Court of Appeal in State v. Phillip J. Stegall and State v. Gerome C. Smith; spent significant time working on the State v. Walter Garrett, involving research on hundreds of pages of DSS documents and other discovery dating from 1983 through 1994 and writing a brief currently due within the next several weeks; and preparing for an oral argument before this Court in State v. Alexander C. Huckabee III, a five-issue appeal scheduled for oral argument on October 12, 2016.

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

WHEREFORE, Appellant prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent 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 Respondent's motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

WILLIAM F. SCHUMACHER, IV
Assistant Attorney General

By: 
William F. Schumacher, IV

By: 
J. Benjamin Aplin

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

August 31, 2016

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PROOF OF SERVICE

I, Sally Ellison, certify that I have served the within Motion for Third Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by sending two copies of the same to:

David Alexander, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29211-1589

I further certify that all parties required by Rule to be served have been served.
This 31th day of August, 2016.



Sally Ellison
Legal Assistant

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-4156



ALAN WILSON
ATTORNEY GENERAL

August 31, 2016

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AUG 31 2016
SC Court of Appeals

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

Re: The State v. Gerald R. Williams
Appellate Case No: 2013-002304

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

Sincerely,

William F. Schumacher, IV
Assistant Attorney General
Bar Number 100231

WFS/sbe
Enclosures

cc: David Alexander, Esquire
Victim Services