

5

2nd IIB due 8/17/16

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEAL

Appeal From Chester County
The Honorable Roger E. Henderson, Circuit Court Judge
Appellate Case No. 2016-000193

RECEIVED
SEP 08 2016
SC Court of Appeals

THE STATE,

Respondent.

v.

CHARLES DAVID HAYES,

Appellant.

**MOTION OUT OF TIME FOR SECOND EXTENSION TO SERVE
AND FILE INITIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTER**

Respondent, State of South Carolina, through its undersigned counsel, would respectfully show unto this Court as follows:

1. The Initial Brief of Respondent and Designation of Matter was due to be served and filed August 17, 2016. The undersigned has been out of the office on a medically required work restriction. Upon her return to the office on September 7, 2016, she discovered an oversight on her part resulted in failure to file and serve the Initial Brief of Respondent and Designation of Matter.

2. The undersigned requests a second 30-day extension of time within which to serve and file the Initial Brief of Respondent and Designation of matter in this appeal. This extension request is not intended for the purpose of delay, but due to counsel's absences from the

office due to a work related injury. Counsel continues to be on a medically required work restriction, and is only able to work a few hours per day when possible. The undersigned has worked on the Initial Brief and Designation of Matter, she assures the Court completion of the brief is a high priority, and she will work diligently to complete it.

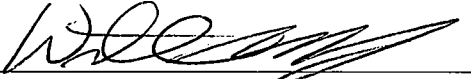
3. The undersigned consulted with counsel for the Appellant, and she is authorized to advise the Court that counsel for the Appellant consents to the requested relief.

Based on the foregoing, Respondent respectfully requests that this Court hold this matter in abeyance pending a resolution of this motion, grant the request to serve and file the Initial Brief of Respondent an Designation out of time, and grant the Respondent's second request for a 30-day extension to file and serve the Initial Brief of Respondent and Designation of Matter in this appeal.

Respectfully submitted,

ALAN WILSON
Attorney General

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General

BY: 
FOR Deborah R.J. Shupe

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

ATTORNEYS FOR RESPONDENT

September 8, 2016

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEAL

Appeal From Chester County
The Honorable Roger E. Henderson, Circuit Court Judge
Appellate Case No. 2016-000193

RECEIVED

SFP 08 2016

SC Court of Appeals

THE STATE,

Respondent.

v.

CHARLES DAVID HAYES,

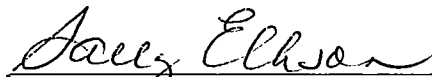
Appellant.

PROOF OF SERVICE

I, Sally Ellison, certify that I have served the Motion To File Out Of Time Initial Brief Of Respondent And Designation Of Matter, on Appellant by depositing a copy of same in the United States Mail, postage prepaid, addressed to:

William G. Yarborough, III
522 N. Church Street
Greenville, SC 29601

This 8th day of September, 2016.



SALLY ELLISON
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3970



ALAN WILSON
ATTORNEY GENERAL

September 8, 2016

RECEIVED

SFP 08 2016

SC Court of Appeals

HAND-DELIVERY

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

Re: The State v. Charles David Hayes
Appellate Case No. 2016-000193

Dear Ms. Kitchings:

Enclosed are an original and seven (7) copies of a Motion Out of Time for Second Extension to Serve and File Initial Brief of Respondent and Designation of Matter with proof of service in the above-referenced appeal.

Sincerely,

DRJ Deborah R.J. Shupe
Senior Assistant Deputy Attorney General

DRJS/sbe
Enclosures

cc: William G. Yarborough, III (w/enclosure)
Victim Services (w/enclosure)