

**RESPONSE TO RETURN TO MOTION TO FILE OUT OF  
TIME AND MOTION FOR AN EXTENSION OF TIME TO FILE  
AN AMENDED DESIGNATION OF MATTER AND INITIAL BRIEF  
THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

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APPEAL FROM GREENVILLE COUNTY  
In the Court of General Sessions

R. Keith Kelly, Circuit Court Judge

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Appellate Case No.: 2015-000517

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The State of South Carolina,

Respondent,

v.

Courtney Ray Mitchell,

Appellant.

**RECEIVED**  
SEP 12 2016  
SC Court of Appeals

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**RESPONSE TO RETURN TO MOTION TO FILE OUT OF  
TIME AND MOTION FOR AN EXTENSION OF TIME TO FILE  
AN AMENDED DESIGNATION OF MATTER AND INITIAL BRIEF**

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Appellant respectfully requests that this Court deny the Respondent the opportunity to file a Designation of Matter and Initial Brief. Respondent was granted an extension until April 18, 2016, to file its initial brief and designation of matter. Respondent failed to file either document. Rather than filing the Designation of Matter and Initial Brief, which it had allegedly drafted according to the Return it recently filed, it filed a Motion to Strike Appellant's Designation of Matter. Appellant prays that this Court deny Respondent the opportunity to file a Designation of Matter and Initial Brief, based on its failure to exercise the extension courteously granted by the Court.

In the alternative, Appellant prays that the Court accept his Amended Designation of

Matter and Initial Brief. This would seemingly be the equitable result if the Respondent is allowed to file a Designation of Matter and Initial Brief, which are out of time.



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September 8, 2016

**FORM 7**  
**PROOF OF SERVICE OF RESPONSE TO RETURN TO MOTION TO FILE OUT OF TIME AND MOTION FOR EXTENSION OF TIME TO FILE OF APPELLANT**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
In the Court of General Sessions

Keith Ralph Kelly, Circuit Court Judge

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Appellant Case No.: 2015-000517

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v.

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PROOF OF SERVICE

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I certify that I have served a Response to Return to Motion to File Out of Time and Motion for an Extension of Time to File an Amended Designation of Matter and Initial Brief, and Proof of Service on The Honorable Jenny Abbott Kitchings, Clerk of Court South Carolina Court of Appeals, PO Box 11629, Columbia SC 29211 and Alan Wilson, Attorney General, and Jennifer Ellis Roberts, Assistant Attorney General, PO Box 1154 Columbia SC 29211 by depositing a copy in the United States Mail, postage prepaid, on September 8, 2016, to the addresses listed above.



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September 8, 2016.

**FORM 8**  
**LETTER TO THE APPELLATE COURT CLERK**  
**APPELLANT'S RESPONSE TO RESPONDENT'S RETURN TO MOTION**

September 8, 2016

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

**RECEIVED**  
SEP 12 2016  
SC Court of Appeals

RE: The State of South Carolina v. Courtney Ray Mitchell  
Appellate Case No.: 2015-000517

Dear Ms. Kitchings:

Please find enclosed the following materials for filing in the above-referenced Appellate matter:

- (1) Appellant's Response to Return to Motion to File Out of Time and Motion for an Extension of Time to File an Amended Designation of Matter and Initial Brief;  
and,
- (2) Proof of Service for same.

Sincerely,



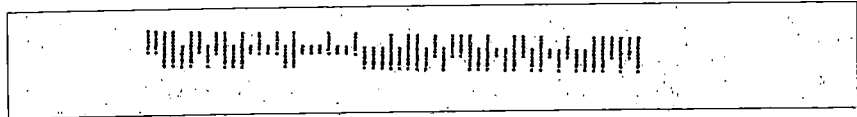
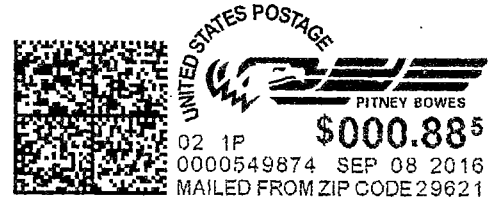
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✓

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SEP 12 2016  
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The Honorable Jenny Abbott Kitchings  
Clerk of Court South Carolina Court of Appeals  
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Columbia SC 29211