

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SEP 28 2016

SC Court of Appeals

Appeal from York County
The Honorable John C. Hayes, Circuit Court Judge
Appellate Case No. 2016-000307

THE STATE,

RESPONDENT,

v.

MARQUIS DELLAN EVANS,

APPELLANT.

**MOTION TO FILE OUT OF TIME AND FOR A THIRD 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 were due to be served and filed September 19, 2016. The undersigned has been out of the office on medically required work restriction due to a work related injury and can only work a few hours per day when possible. In addition, to her absences due to the work related injury, counsel was absence from work the week of September 19, 2016, due to having the flu.

2. The undersigned was advised by the Court on September 28, 2016, the documents were not filed and served on September 19, 2016. The undersigned hereby requests to file these documents out of time, and for a third 30-day extension of time within which to serve and file them in this appeal. This request is not intended for the purpose of delay, but due to counsel's

absences from the office due to a work related injury and her absence from the office due to the flu. The undersigned assures the Court completion of the brief is a high priority, and she will work diligently to complete it.

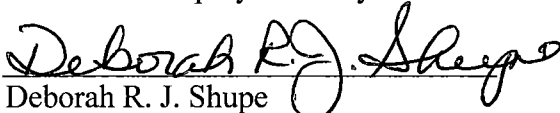
3. The undersigned consulted with counsel for the Appellant, and she is authorized to advise the Court that counsel for the Appellant consents to the requested relief.

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

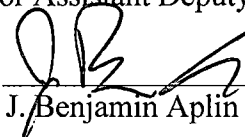
Respectfully submitted,

ALAN WILSON
Attorney General

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General

BY: 
Deborah R. J. Shupe

J. BEN APLIN
Senior Assistant Deputy Attorney General

BY: 
J. Benjamin Aplin

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

September 28, 2016

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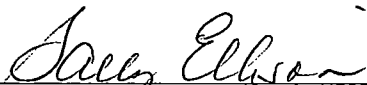
PROOF OF SERVICE

I, Sally Ellison, certify that I have served the Motion to File Out Of Time and For a Third Extension To Serve and File 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:

Lara M. Caudy, Esquire
Appellate Defender
SC Commission on Indigent Defense
PO Box 11589
Columbia, South Carolina 29211-1589

I further certify that all parties required by Rule to be served have been served,

This 28th day of September, 2016.


Sally Ellison
Office of the Attorney General
PO Box 11549
Columbia, SC 29211
803-734-3970



ALAN WILSON
ATTORNEY GENERAL

September 28, 2016

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SC Court of Appeals

HAND-DELIVERY

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

Re: The State v. Maarquis Dellan Evans
Appellate Case No. 2016-000307

Dear Ms. Kitchings:

Enclosed please find an original and seven (7) copies of a Motion to File Out Of Time and For a Third Extension To Serve and File Initial Brief Of Respondent and Designation Of Matter, and Proof of Service for filing, in the above appeal.

Sincerely,

Deborah R.J. Shupe
Senior Assistant Deputy Attorney General

DRJS/sbe
Enclosures

cc: Laura A. Caudy, Esquire
Victim Services