

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Florence County
Honorable Michael G. Nettles, Circuit Court Judge

Appellate Case No: 2015-001384

RECEIVED
OCT 10 2016
SC Court of Appeals

THE STATE.

Respondent,

vs.

MICHAEL DONTA BROOKS,

Appellant.

**PETITION TO RELAX RULE 208(a)(2) SCACR, AND RULE 209(a) SCACR
AND MOTION FOR A THIRD EXTENSION**

Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter were due to the Court October 3, 2016, pursuant to this Court's Order. However, due to a calendaring error, counsel for the State failed to file its Initial Brief of Respondent and Designation of Matter on October 3, 2016.

II.

As a result of the calendaring error, the State respectfully asks this Court to relax the requirements of Rule 208(a)(2) SCACR, and Rule 209(a) SCACR, and permit the State to file a

motion for a third extension of time within which to serve and file its Initial Brief and Designation of Matter out of time. See Rule 263(b), SCACR ("The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rule 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof."). Due to work required in other cases pending before this Court and the South Carolina Supreme Court, I am unable to complete this Initial Brief on time. I would therefore request an extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

III.

This motion for extension is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared.

WHEREFORE, Respondent prays that the Court will relax the requirements of 208(a)(2) SCACR and 209(a) SCACR and permit the filing of this motion for a third extension for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

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October 10, 2016