

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

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RECEIVED

NOV 28 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

MARQUIS DELLAN EVANS,

APPELLANT.

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**MOTION FOR A FIFTH EXTENSION  
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT  
AND DESIGNATION OF MATTER**

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Respondent, State of South Carolina, through its undersigned counsel, hereby moves for a fifth 30-day extension of time to file the Initial Brief of Respondent and Designation of Matter to be included in the Record on Appeal. In support of this motion, Respondent submitted the following:

1. The Initial Brief of Respondent and Designation of Matter is due to be served and filed November 28, 2016, pursuant to a fourth extension. Respondent requests a fifth 30-day extension to serve and file these documents, which is not for the purpose of delay, but due to counsel's significant absences from the office relating to a work related injury. Counsel is on a medically required work restriction, and is only able to work a few hours per day when possible. The symptoms of the work related injury have been significantly more pronounced over the past several weeks, and as a result, the undersigned has only been able to work sporadically.

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2. Counsel 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.

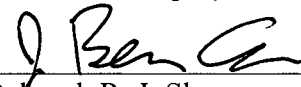
3. The undersigned consulted with counsel for the Appellant, and she is authorized to advise the Court that counsel for the Appellant consents to the requested relief.

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

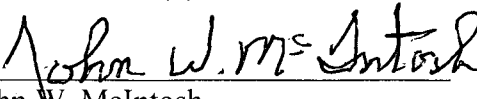
Respectfully submitted,

ALAN WILSON  
Attorney General

DEBORAH R.J. SHUPE  
Senior Assistant Deputy Attorney General

BY:   
for Deborah R. J. Shupe

JOHN W. MCINTOSH

By:   
John W. McIntosh  
Chief Deputy Attorney General

P.O. Box 11549  
Columbia, SC 29211  
(803) 734-3797

ATTORNEYS FOR RESPONDENT

November 28, 2016

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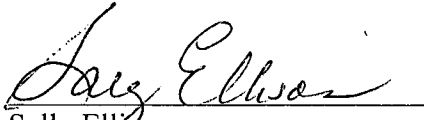
PROOF OF SERVICE

I, Sally Ellison, certify that I have served the Motion to Fifth 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 28<sup>th</sup> day of November, 2016.



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



ALAN WILSON  
ATTORNEY GENERAL

November 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. Marquis Dellan Evans  
Appellate Case No. 2016-000307

Dear Ms. Kitchings:

Enclosed please find an original and seven (7) copies of a Motion For a Fifth 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

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