

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Berkeley County
Honorable Deadra L. Jefferson, Circuit Court Judge
Appellate Case No. 2015-002050

RECEIVED
NOV 30 2016
SC Court of Appeals

THE STATE,

Respondent,

vs.

JERAMY DALE PARKS,

Appellant.

**MOTION TO RELAX RULE 208(a)(2) SCACR, AND RULE 209(a) SCACR
AND
MOTION FOR SECOND EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT AND
DESIGNATION OF MATTER**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter were due to be served and filed on November 9, 2016. However, due to a calendaring error, counsel for the State mistakenly failed to file those documents on November 9, 2016.

II.

As a result of the calendaring error, the State respectfully asks this Court to relax the requirements of Rule 208(a), SCACR, and Rule 209(a), SCACR, and permit the State to file a motion for a second extension of time within which to serve and file the Initial Brief of

Respondent 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 second 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,

ALAN WILSON
Attorney General

DAVID SPENCER
Senior Assistant Attorney General

By: 

David Spencer
S.C. Bar No. 68571

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

November 30, 2016

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PROOF OF SERVICE

I, Anne Mueller, certify that I have served the Motion To Relax Rule 208(A)(2) SCACR, And Rule 209(A) SCACR And Motion For Second Extension Of Time Within Which To Serve And File Initial Brief Of Respondent And Designation Of Matter on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney of record David Alexander, Esquire, S.C. Commission on Indigent Defense, Division of Appellate Defense, Post Office Box 11589, Columbia, South Carolina 29211-1589.

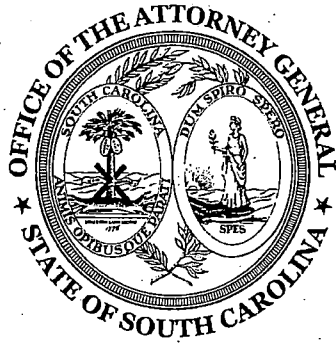
I further certify that all parties required by Rule to be served have been served.

This 30th day of November, 2016.



Anne A. Mueller
Legal Assistant

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



ALAN WILSON
ATTORNEY GENERAL

November 30, 2016

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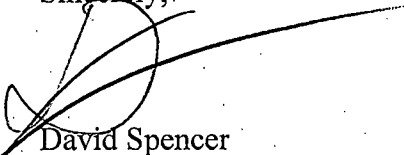
The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: State v. Jeramy Dale Parks
Appellate Case No. 2015-002050

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of the Motion To Relax Rule 208(a)(2) SCACR, And Rule 209(a) SCACR And Motion For Second Extension Of Time Within Which To Serve And File Initial Brief Of Respondent And Designation Of Matter, along with proof of service, for filing in the above-referenced appeal.

Sincerely,


David Spencer
Senior Assistant Attorney General
Bar Number 68571

DS/aam
Enclosures

cc: David Alexander, Esquire
Victim Services