

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
R. Keith Kelly, Circuit Court Judge
Appellate Case No. 2015-000517

RECEIVED

DEC 16 2016

SC Court of Appeals

THE STATE,

Respondent,

v.

COURTNEY RAY MITCHELL,

Appellant.

**MOTION TO STRIKE APPELLANT'S
REPLY BRIEF AS UNTIMELY**

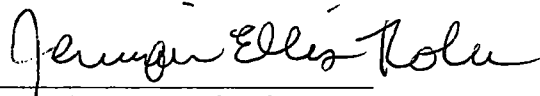
Respondent (the State) now moves for this Court to strike Appellant's Reply Brief, filed on December 12, 2016. The State served and filed its Respondent's Brief on November 29, 2016. Pursuant to Rule 208(a)(3), SCACR, Appellant's Reply Brief was due within ten (10) days after service of Respondent's Brief, which by my calculations would have been December 9, 2016. Therefore, Appellant's Reply Brief is untimely and the State moves to strike it.

WHEREFORE, Respondent prays that this Court decline to accept Appellant's untimely Reply Brief; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

JENNIFER ELLIS ROBERTS
Assistant Attorney General
Bar # 79818

BY: 
JENNIFER ELLIS ROBERTS

Office of the Attorney General
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ATTORNEYS FOR RESPONDENT

December 16, 2016

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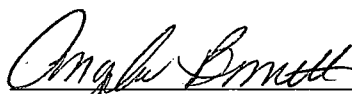
Appellant.

PROOF OF SERVICE

I, Angela Bennett, certify that I have served the Motion to Strike Appellant's Reply Brief as Untimely on appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to Mr. Donald L. Smith, Esquire, 122 N. Main Street, Anderson, South Carolina 29621

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

This 16th day of December, 2016.



ANGELA BENNETT
Administrative Coordinator

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



ALAN WILSON
ATTORNEY GENERAL

December 16, 2016

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 116629
Columbia, South Carolina 29211

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SC Court of Appeals

Re: The State v. Courtney Ray Mitchell
Appellate Case No: 2015-000517

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Motion to Strike Appellant's Reply Brief as Untimely along with proof of service in the above-referenced case.

Sincerely,

Jennifer Ellis Roberts
Assistant Attorney General
S.C. Bar No: 79818

JER/ab
Enclosures

cc: Donald L. Smith, Esquire
Ms. Trisha Allen