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DEC 30 2016

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from York County
The Honorable R. Scott Sprouse, Circuit Court Judge
Appellate Case No. 2015-002241

IN THE MATTER OF THE CARE AND TREATMENT OF
TIMOTHY GROVES OXENDINE,

Appellant.

**MOTION 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, hereby moves for a third 30-day extension of time to file and serve the Initial Brief of Respondent and Designation of Matter to be included in the Record on Appeal. In support of this motion, Respondent submits the following:

1. The Initial Brief of Respondent and Designation of Matter is due to be served and filed December 30, 2016, pursuant to a second extension. Respondent requests a third extension to serve and file these documents, which is not for the purpose of delay, but due to counsel's work related injury. Counsel is on a medically required work restriction and is only able to work a few hours per day when possible. In addition, the office experienced several days of computer issues which prevented

further work to be done on the brief. The computer issues were not resolved until shortly before the State's closing for the Christmas holiday break.

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 request for a third 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

J. BENJAMIN APLIN
Senior Assistant Deputy Attorney General

BY: 

J. Benjamin Aplin

PO Box 11549
Columbia, SC 29211
803-734-3739

ATTORNEYS FOR RESPONDENT

December 30, 2016

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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IN THE MATTER OF THE CARE AND TREATMENT OF
TIMOTHY GROVES OXENDINE,

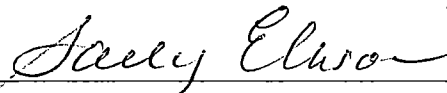
Appellant.

PROOF OF SERVICE

I, Sally Ellison, certify that I have served the Motion for Third Extension to Serve and File the 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:

David Alexander, Esquire
Appellate Defender
SC Commission on Indigent Defense
PO Box 11589
Columbia, SC 29211-1589

I further certify that all parties required by Rule to be served have been served, this 30th day of December, 2016.



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



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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

December 30, 2016

HAND-DELIVERY

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

Re: In the Matter of the Care and Treatment of Timothy
Groves Oxendine
Appellate Case No. 2015-002241

Dear Ms. Kitchings:

Enclosed are an original and seven (7) copies of a Motion for Third Extension to Serve and File Initial Brief of Respondent and Designation of Matter, and Proof of Service, for filing.

Sincerely,

FOR Deborah R.J. Shupe
Senior Assistant Deputy Attorney General

DRJS/sbe
Enclosures

cc: David Alexander, Esquire
Victim Services