

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

JAN 27 2017

SC Court of Appeals

Appeal from Newberry County
Honorable Donald B. Hocker, Circuit Court Judge
Appellate Case Tracking No. 2016-001639

State of South Carolina,

Appellant,

vs.

Tony Latrell Kinard,

Respondent.

**MOTION FOR THIRD EXTENSION
TO SERVE AND FILE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER**

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

I.

The Initial Brief of Appellant and Designation of Matter are due to be served and filed January 27, 2017.

II.

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the Appellant moves for a third extension in the above referenced appeal. Due to work required in other cases pending before this Court and the South Carolina Supreme Court, I am unable to complete this Brief on time. The undersigned has completed several briefs, a Return to a Petition for Writ of Certiorari, and other filings in the last several weeks. Additionally, the undersigned prepared and presented a

presentation in Greenville to the Summary Court Judge's Association. Finally, the undersigned has prepared for and participated in oral arguments before both the South Carolina Supreme Court and South Carolina Court of Appeals.

III.

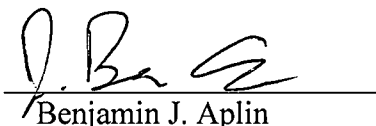
This extension request is not intended for purposes of delay, but rather to ensure the Brief is properly researched and prepared. This Brief is the next Brief the undersigned expects to complete. I would therefore request a third extension of time within which to serve and file the Initial Brief of Appellant and Designation of Matter.

WHEREFORE, Appellant prays the Court hold this matter in abeyance until ruling on this motion, and extend the deadline for serving and filing the Initial Brief of Appellant and Designation of Matter in this case for thirty (30) days from the date relief is granted; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

WILLIAM M. BLITCH, JR.
Assistant Attorney General



Benjamin J. Aplin
Senior Assistant Deputy Attorney General



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(803) 734-3727

ATTORNEYS FOR APPELLANT

January 27, 2017

STATE OF SOUTH CAROLINA

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State of South Carolina,

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PROOF OF SERVICE

I, Sally Ellison, certify that I have served the Motion for Third Extension to Serve and File Initial Brief of Appellant and Designation of Matter on Respondent by depositing a copy of same in the United States mail, postage prepaid, addressed to:

Michael V. Laubshire, Esquire
455 St. Andrews Road, Suite E-1
Columbia, South Carolina 29210-4487

Richard J. Dolce, Esquire
Post Office Box 4403
Irmo, South Carolina 29063

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

This 27th day of January, 2017.



SALLY ELLISON
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

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JAN 27 2017
SC Court of Appeals

January 27, 2017

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

Re: State v. Tony Latrell Kinard
Appellate Case Tracking No. 2016-001639

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of a Motion for Third Extension to Serve and File Initial Brief of Appellant and Designation of Matter along with proof of service for filing in the above-referenced appeal.

Sincerely,

William M. Blich, Jr.
Assistant Attorney General

Enclosures

cc: Michael V. Laubshire, Esquire
Richard J. Dolce, Esquire
Victim Services

✓