



STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEAL

**RECEIVED**

FEB 13 2017

Appeal From Chester County  
The Honorable Roger E. Henderson, Circuit Court Judge  
Appellate Case No. 2016-000193

**SC Court of Appeals**

THE STATE,

Respondent.

v.

CHARLES DAVID HAYES,

Appellant.

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

Respondent, State of South Carolina, through its undersigned counsel, would respectfully show unto this Court as follows:

1. The Initial Brief of Respondent and Designation of Matter are due to be served and filed February 13, 2017. The undersigned has been out of the office on a medically required work restriction due to a work related injury and can only work a few hours per day when possible.

2. The undersigned requests a third 30-day extension of time within which to serve and file the Initial Brief of Respondent and Designation of matter in this appeal. This is the first extension request since the Court granted Respondent's Motion to Strike, and it is not intended for the purpose of delay. The undersigned 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.

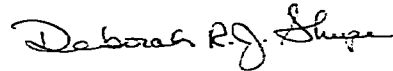
3. The undersigned consulted with counsel for the Appellant, and she is authorized to advise the Court that counsel for the Appellant consents to the requested relief.

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

Respectfully submitted,

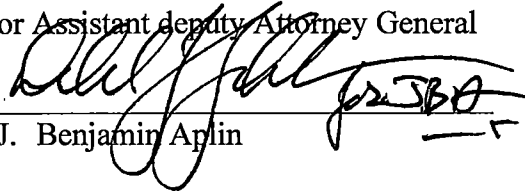
ALAN WILSON  
Attorney General

DEBORAH R.J. SHUPE  
Senior Assistant Deputy Attorney General



BY: \_\_\_\_\_  
Deborah R.J. Shupe

J. BENJAMIN APLIN  
Senior Assistant deputy Attorney General

By:  \_\_\_\_\_  
J. Benjamin Aplin

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

ATTORNEYS FOR RESPONDENT

February 13, 2017

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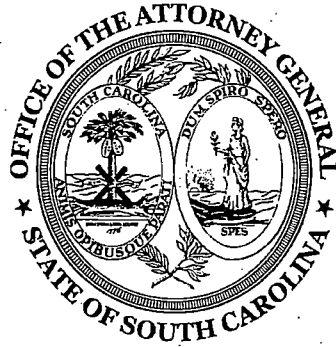
**PROOF OF SERVICE**

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

William G. Yarborough, III  
522 N. Church Street  
Greenville, SC 29601

This 13<sup>th</sup> day of February, 2017.

  
SALLY ELLISON  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3970



ALAN WILSON  
ATTORNEY GENERAL

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**SC Court of Appeals**

February 13, 2017

**HAND-DELIVERY**

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

Re: The State v. Charles David Hayes  
Appellate Case No. 2016-000193

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 with proof of service in the above-referenced appeal.

Sincerely,

Deborah R. J. Shupe  
Senior Assistant Deputy Attorney General

DRJS/sbe  
Enclosures

cc: William G. Yarborough, III (w/enclosure)  
Victim Services (w/enclosure)