

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenwood County
Honorable Frank R. Addy, Circuit Court Judge
Appellate Case No. 2016-0010046

RECEIVED

MAR 29 2017

SC Court of Appeals

THE STATE,

Appellant/Respondent,

vs.

EDWARD LEE DEAN,

Respondent/Appellant.

**PETITION TO RELAX RULE 208(a)(2) SCACR, AND RULE 209(a) SCACR
AND MOTION FOR A SECOND EXTENSION**

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

I.

The Initial Brief of Appellant/Respondent and Designation of Matter were due to be served and filed on March 24, 2017. However, due to a calendaring error, counsel for the State failed to timely file those documents.

II.

As a result of the calendaring error, the State respectfully asks this Court to relax the requirements of Rule 208(a)(2) 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 its Initial Brief 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 a second extension of time within which to serve and file the Initial Brief of Appellant/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 Appellant/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

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

March 29, 2017

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Appeal from Greenwood County
Honorable Frank R. Addy, Jr., Circuit Court Judge
Appellate Case No. 2016-001004

MAR 29 2017

SC Court of Appeals

THE STATE,

Appellant/Respondent,

vs.

EDWARD LEE DEAN,

Respondent/Appellant.

PROOF OF SERVICE

I, Anne Mueller, certify that I have served the Petition To Relax Rule 208(A)(2) SCACR, And Rule 209(A) SCACR And Motion For A Second Extension on Respondent/Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney of record E. Charles Grose, Jr., Esquire, 404 Main Street, Greenwood, SC 29646.

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

This 29th day of March, 2017.



Anne A. Mueller
Legal Assistant

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



ALAN WILSON
ATTORNEY GENERAL

March 29, 2017

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SC Court of Appeals

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

Re: State v. Edward Lee Dean
Appellate Case No. 2016-001004

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of the Petition To Relax Rule 208(A)(2) SCACR, And Rule 209(A) SCACR And Motion For A Second Extension, 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: E. Charles Grose, Jr., Esquire
Victim Services