

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Kershaw County
Honorable Frank R. Addy, Jr., Circuit Court Judge
Appellate Case No. 2016-000843

RECEIVED

MAY 15 2017

SC Court of Appeals

THE STATE,

Respondent,

vs.

THEIA DARION MCARDLE

Appellant.

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

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

I.

The Initial Brief of Respondent and Designation of Matter are due to be served and filed on May 15, 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 State moves for a **third** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. In the past few weeks, the undersigned has participated in two oral arguments before this Court, including State v. Collier,

Appellate Case. No. 2015-000184; submitted a petition for writ of certiorari in State v. Huckabee, Appellate Case. No. 2013-001409; and worked extensively on a return to a petition of writ of certiorari in State v. Hemingway, 2017-UP-017 (Ct. App. Filed January 11, 2017), along with briefs on several cases due in this Court within the next several weeks.

III.


This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared. The Brief in the above case has required significant research because the case involves significant issues on appeal. The undersigned is currently working on the Brief in this case and hopes to have it completed in a timely manner. I would therefore request an extension of time within which to serve and file the Brief.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty days from the date such relief is granted; hold the matter in abeyance pending a ruling on Respondent's motion; and grant such other and further relief as the Court may deem just and proper.

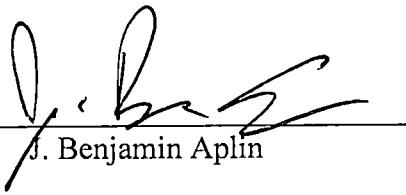
Respectfully submitted,

ALAN WILSON
Attorney General

WILLIAM F. SCHUMACHER
Assistant Attorney General

By: 

William F. Schumacher

By: 
J. Benjamin Aplin

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

May 15, 2017

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Kershaw County
Honorable Frank R. Addy, Jr., Circuit Court Judge
Appellate Case No. 2016-000843

RECEIVED

MAY 15 2017

SC Court of Appeals

THE STATE,

Respondent,

vs.

THEIA DARION MCARDLE

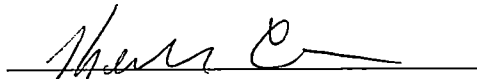
Appellant.

PROOF OF SERVICE

I, Keely Carter, certify that I have served the within Motion for Third Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by sending two copies of the same to:

John H. Strom, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 15th day of May, 2017.


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



RECEIVED

MAY 15 2017

SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

May 15, 2017

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

RE: State v. Theia Darion McArdle – Appellate Case No. 2016-000843

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Motion for Third Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

William F. Schumacher
Assistant Deputy General
Bar Number 100231

WFS/kc
Enclosures

cc: John H. Strom, Esquire
Victim Services