

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Roger M. Young, Sr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAKE LAKE,

APPELLANT.

Appellate Case No. 2016-000976

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE RETURN
TO RESPONDENT'S MOTION TO DISMISS

Counsel for Appellant respectfully requests an extension of ten (10) days in which to file the return to motion to dismiss appeal for lack of jurisdiction in this case. In support of this request, counsel shows:

1. On February 27, 2017, Appellant filed his initial brief and designation of matter. Respondent filed a motion to dismiss the appeal for lack of jurisdiction on June 30, 2017.
2. Counsel for appellant respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time.
3. Although the motion was received on Friday, June 30, 2017, by undersigned counsel's office, it was not available for counsel's review until July 3, 2017. The following day was a holiday. Counsel has read the motion and prepared a response, but the Chief Appellate Defender has indicated his desire to review the response prior to its filing in light of the

seriousness of the ramifications of a motion to dismiss. Unfortunately, the Chief Appellate Defender's schedule has prevented him from having an opportunity to review the motion and return thoroughly.

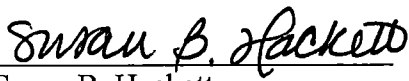
4. Additionally, while the motion to dismiss has been pending, undersigned counsel filed a brief of petitioner with the South Carolina Supreme Court on July 6, 2017 in the case of State v. James Simmons. Counsel also filed a brief of petitioner with the South Carolina Supreme Court on July 10, 2017, in the case of In the Matter of Care and Treatment of Kenneth Campbell. Counsel also spoke at a seminar hosted by the South Carolina Association of Criminal Defense Lawyers on July 7, 2017, in Greenwood, South Carolina.

5. Counsel makes this request in good faith and not for purpose of delay.

6. Counsel has advised the attorney for Respondent of this request for an extension of time in which to respond. He consents to this request.

WHEREFORE, the undersigned counsel respectfully requests a ten day extension in which to file the return to motion to dismiss appeal for lack of jurisdiction in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,


Susan B. Hackett
Appellate Defender

Attorney for Appellant

This 10th day of July, 2017.

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CERTIFICATE OF SERVICE

I certify that a true copy of the motion for an extension of time in which to file the return to motion to dismiss appeal for lack of jurisdiction in the above case has been served upon William F. Schumacher, IV, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 10th day of July, 2017.


Susan B. Hackett
Appellate Defender

ATTORNEY FOR APPELLANT

SWORN TO BEFORE ME this 10th of July, 2017.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: June 3, 2023.