

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Greenville County
Honorable D. Craig Brown, Circuit Court Judge

Appellate Case No: 2016-000809

RECEIVED

AUG 28 2017

SC Court of Appeals

THE STATE.

Respondent,

vs.

MARK ANTHONY BAYNE,

Appellant.

**PETITION TO RELAX RULE 208(a)(2) SCACR, AND RULE 209(a) SCACR
AND MOTION FOR EXTENSION TO FILE FINAL BRIEF OF RESPONDENT**

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

I.

The Final Brief of Respondent was due to the Court on August 15, 2017. However, due to a calendaring error, counsel for the State failed to file its Final Brief of Respondent on August 15, 2017.

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 allow counsel for the Respondent to file a motion for an extension of time within which to serve and file its Final Brief of Respondent. 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 final brief on time. I would therefore request an extension of time within which to serve and file the Final Brief of Respondent.

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 an extension for the service and filing of the Final Brief of Respondent 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
S.C. Bar No: 68571

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

ATTORNEYS FOR RESPONDENT

August 28, 2017

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PROOF OF SERVICE

I, Anne Mueller, certify that I have served the Petition to Relax Rule 208(a)(2) SCACR and 209(a) SCACR And Motion For Extension To File Final Brief Of Respondent by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney of record, John H. Strom, Esquire, South Carolina Commission on Indigent Defense, Division of Appellate Defense, Post Office Box 11589, Columbia, South Carolina 29211.

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

This 28th day of August, 2017.



Anne A. Mueller
Legal Assistant
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

August 28, 2017

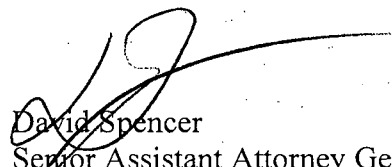
John H. Strom, Esquire
SCCID, Division of Appellate Defense
P.O. Box 11589
Columbia, SC 29211

RE: State v. Mark Anthony Bayne
Appellate Case No: 2016-000809

Dear Mr. Strom:

Enclosed please find two copies of the Petition to Relax Rule 208(a)(2) SCACR and 209(a) SCACR And Motion For Extension To File Final Brief Of Respondent in the above case.

Sincerely,


David Spencer
Senior Assistant Attorney General
S.C. Bar No: 68571

DS/aam
Enclosures

cc: The Honorable Jenny A. Kitchings (with original and 6 enclosed)
Victim Advocacy Division

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