

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Chesterfield County  
Honorable Roger E. Henderson, Circuit Court Judge  
Honorable Paul M. Burch, Circuit Court Judge  
Appellate Case No. 2016-000779

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RECEIVED  
NOV 08 2017  
SC Court of Appeals

THE STATE,

Respondent,

vs.

GARY MOORE,

Appellant.

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

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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 November 8, 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 counsel has participated in oral argument at this Court in State v. Jett and State v. Sims; has submitted a Petition for Writ of Certiorari in the United States Supreme Court in South Carolina v. Thompson; has submitted a Brief of Respondent in the South Carolina Supreme Court in State v. Campbell and State v. Cross; has submitted a Return to Petition for Writ of Certiorari in the South Carolina Supreme Court in State v. Habersham, State v. Haynes, and State v. Oates; has submitted an Initial Brief of Respondent to this Court in State v. Hall, State v. Alston, State v. Riden, State v. Smith, State v. Brown, State v. Graham, and State v. Hendrix; and has submitted a Petition for Rehearing to this Court in State v. Adkins.

### III.

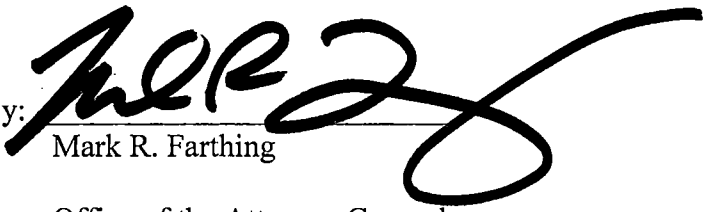
This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared. The Brief in the above case has required significant research because the case involves three important issues on appeal. The undersigned is currently working on the Brief in this case and intends to have it finished 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,

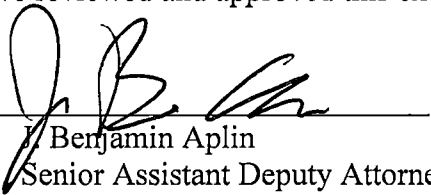
ALAN WILSON  
Attorney General

MARK R. FARTHING  
Assistant Attorney General

By:   
Mark R. Farthing

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

I have reviewed and approved this extension request.

By:   
J. Benjamin Aplin  
Senior Assistant Deputy Attorney General

November 8, 2017

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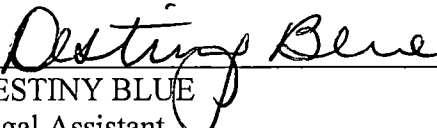
**PROOF OF SERVICE**

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I, Destiny Blue, 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:

Tricia A. Blanchette, Esquire  
Post Office Box 2147  
Leesville, SC 29070

I further certify that all parties required by Rule to be served have been served.  
This 8th day of November, 2017.

  
\_\_\_\_\_  
DESTINY BLUE  
Legal Assistant  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727



ALAN WILSON  
ATTORNEY GENERAL

RECEIVED

November 8, 2017

NOV 08 2017

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. Gary Moore – Appellate Case No. 2016-000779

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,

Mark R. Farthing  
Assistant Attorney General  
Bar Number 76901

MRF/  
Enclosures

cc: Tricia A. Blanchette, Esquire  
Victim Advocacy Division