

8

4th RFB due 12/8/17

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
John C. Hayes, III, Circuit Court Judge

Appellate Case No: 2016-001927

RECEIVED
DEC 08 2017
SC Court of Appeals

THE STATE.

Respondent,

vs.

DEAN ALTON HOLCOMB,

Appellant.

MOTION FOR EXTENSION OF TIME

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 today’s date.

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 **fourth** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the initial brief in this case. In the last week, counsel submitted



a brief in State v. Moultrie, Appellate Case. No. 2016-001830. Further, counsel is preparing briefs in State v. Morris, Appellate Case No. 2016-001713 and State v. Ward, Appellate Case No. 2015-002107, both due next week, as well as State v. MacDermant, Appellate Case No. 2017-001046, due the following week. Finally, this brief is being prepared jointly with the Assistant Solicitor who handled the trial, which has required significant investment of time coordinating our efforts.

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 and coordination because the case involves important issues and cooperation between the Assistant Solicitor from Spartanburg and the Attorney General's Office in Columbia. The undersigned is currently working with the Assistant Solicitor to finish the Brief, believes it to be nearly completed, 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 Initial Brief of Respondent.

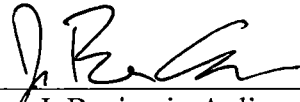
WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty days from the date such relief is granted; hold the matter in abeyance pending a ruling on Respondent's motion; and grant such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

Respectfully submitted,

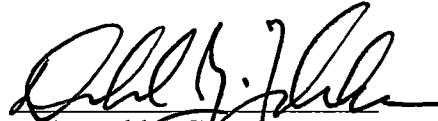
ALAN WILSON
Attorney General

J. BENJAMIN APLIN
Senior Assistant Deputy Attorney General

RUSSELL D. GHENT
Assistant Solicitor

BY: 

J. Benjamin Aplin



Donald J. Zelenka
Deputy Attorney General

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ATTORNEYS FOR RESPONDENT

December 8, 2017

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PROOF OF SERVICE

I, Angela Bennett, certify that I have served the Motion for Extension of Time on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney of record, Kathrine H. Hudgins, Esquire South Carolina Commission of Indigent Defense, Office of Appellate Defense, P.O. Box 11589, Columbia, South Carolina 29211.

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

This 8th day of December, 2017.



ANGELA BENNETT
Administrative Coordinator
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737



ALAN WILSON
ATTORNEY GENERAL

December 8, 2017

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SC Court of Appeals

Kathrine H. Hudgins, Esquire
South Carolina Commission of Indigent Defense
Office of Appellate Defense
P.O. Box 11589
Columbia, South Carolina 29211

RE: State v. Dean Alton Holcomb
Appellate Case No: 2016-001927

Dear Ms. Hudgins:

Enclosed please find two copies of the Motion for Extension of Time in the above case.

Sincerely,

J. Benjamin Aplin
Senior Assistant Deputy Attorney General
S.C. Bar No: 8729

JBA/ab
Enclosures

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