

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Berkeley County
Honorable R. Markley Dennis, Circuit Court Judge

Appellate Case No: 2017-002104

RECEIVED
JAN 31 2018
SC Court of Appeals

THE STATE.

Respondent,

vs.

SAMUEL LEE BROADWAY,

Appellant.

**PETITION TO RELAX RULE 208(a)(2) SCACR, AND RULE 209(a) SCACR
AND MOTION FOR AN EXTENSION**

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

I.

The Initial Brief of Respondent and Designation of Matter were due to the Court January 22, 2018. However, due to a calendaring error, counsel for the State failed to file its Initial Brief of Respondent and Designation of Matter on January 22, 2018.

II.

As a result of the calendaring error, and additionally because the State did not even receive a copy of the transcript in this matter until January 26, 2018, the State respectfully asks this Court to relax the requirements of Rule 208(a)(2) SCACR, and Rule 209(a) SCACR, and permit the State to file a motion for an extension of time within which to serve and file its Initial Brief and

Designation of Matter out of time. 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 Initial Brief on time. I would therefore request an extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

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 Initial Brief of Respondent and Designation of Matter 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

January 31, 2018

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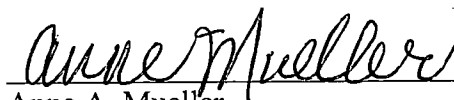
Appellant.

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 an Extension on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney of record, Christopher R. Geel, 102 Broad Street, Suite C, Charleston, SC 29401.

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

This 31st day of January, 2018.



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



ALAN WILSON
ATTORNEY GENERAL

January 31, 2018

Christopher R. Geel, Esquire
Law Office of Christopher W. Adams, PC
102 Broad Street, Suite C
Charleston, SC 29401

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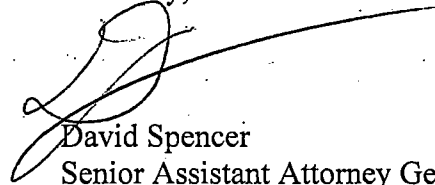
SC Court of Appeals

RE: State v. Samuel Lee Broadway
Appellate Case No: 2017-002104

Dear Mr. Geel:

Enclosed please find two copies of the Petition to Relax Rule 208(a)(2) SCACR and 209(a) SCACR and Motion for an Extension 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),~~
Ms. Trisha Allen