3rd RIB due 2/9/18

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
FEB 09 2018
SC Court of Appeals

Appeal from Charleston County
Honorable Roger L. Couch, Circuit Court Judge
Appellate Case No. 2017-000738

THE STATE,

Respondent,

vs.

BRIAN CHRISTOPHER DAUGHERTY,

Appellant.

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

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 February 9, 2018.

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 the Court of Appeals in State v. Jett, State

v. Sims, State v. Pontoo, State v. Coleman, and State v. Hughes; has submitted a Reply to Brief in Opposition in the United States Supreme Court in South Carolina v. Thompson; has submitted a Return to Petition for Writ of Certiorari in this Court in State v. Oates and State v. Rowland; has submitted an Initial Brief of Respondent to the Supreme Court in Slocumb v. State; and has submitted an Initial Brief of Respondent to the Court of Appeals in State v. Hendricks, State v. Nixon, and State v. Moore.

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 an important evidentiary issue involving expert testimony 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

February 9, 2018

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THE STATE,

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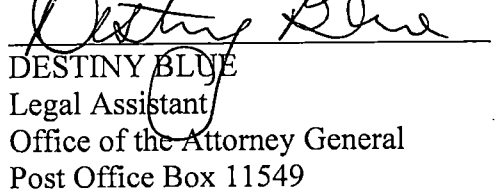
Appellant.

PROOF OF SERVICE

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:

Lara M. Caudy, Esq.
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 9th day of February, 2018.



DESTINY BLUE
Legal Assistant
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Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ALAN WILSON
ATTORNEY GENERAL

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SC Court of Appeals

February 9, 2018

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: State v. Brian Christopher Daugherty – Appellate Case No. 2017-000738

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: Lara M. Caudy, Esquire
Victim Advocacy Division