

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM Horry COUNTY  
The Honorable Larry B. Hyman, Jr., Circuit Court Judge

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Appellate Case No. 2017-001846

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**RECEIVED**  
MAR 09 2018  
SC Court of Appeals

THE STATE

APPELLANT,

v.

JAVON DION GIBBS,

RESPONDENT.

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**MOTION FOR SECOND EXTENSION OF TIME  
TO FILE INITIAL BRIEF OF APPELLANT AND  
DESIGNATION OF MATTER**

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The undersigned counsel would respectfully request an additional thirty (30) day extension in which to file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Appellant's Initial Brief is due today, Friday, March 9, 2018, pursuant to this Court's Order dated February 8, 2018.

The undersigned attorney for the Appellant has had a number of matters to attend to since February 7, 2018. Specifically, counsel has been very involved with

numerous ongoing criminal investigations. Counsel has also worked toward moving several cases to trial.

Counsel has reviewed the transcript and has done substantial research in preparation for drafting the Initial Brief of Appellant in this matter. However, due to counsel's involvement in these and other matters, counsel is unable to timely complete the Initial Brief of Appellant in this proceeding. Thus, counsel is requesting an extension of time in which to file the Initial Brief of Appellant and Designation of Matter. This request is made in good faith, and not for the purposes of delay.

WHEREFORE, premises considered, counsel hereby respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Appellant and Designation of Matter.

Respectfully Submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General  
Bar No. 07979

J. CLAYTON MITCHELL, III  
Assistant Attorney General  
Bar No. 101443  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-5845

By:   
\_\_\_\_\_  
J. CLAYTON MITCHELL, III  
ATTORNEYS FOR APPELLANT

March 9, 2018

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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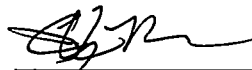
**PROOF OF SERVICE**

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I, J. Clayton Mitchell, III, of counsel for the Appellant, certify that I have served two (2) copies of the within Motion for a Second Extension of Time to File the Initial Brief of Appellant and Designation of Matter via U.S. mail to his attorney of record, Robert M. Dudek, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201.

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

This 9<sup>th</sup> day of March, 2018.



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J. CLAYTON MITCHELL, III  
Office of the Attorney General  
Post Office Box 11549  
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(803) 734-5845



ALAN WILSON  
ATTORNEY GENERAL

March 9, 2018

RECEIVED  
MAR 09 2018  
SC Court of Appeals

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

Re: *The State v. Javon Dion Gibbs*  
Appeal from Horry County  
Appellate Case No. 2017-001846

Dear Ms. Kitchings:

I hereby request an extension of thirty (30) days in which to file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. The Initial Brief of Appellant is currently due to be served and filed today, Friday, March 9, 2018. However, because of my involvement in other matters, I have been unable to timely complete the Initial Brief.

Therefore, I am enclosing an original and six (6) copies of a Motion for Second Extension to File Initial Brief of Appellant. I am advising counsel for Respondent by copy of this letter.

Sincerely,

Clay Mitchell  
Assistant Attorney General

CM:dmd  
Enclosures

cc: Robert M. Dudek, Appellate Defender (w/two copies of encls.)  
Melody J. Brown, Senior Assistant Deputy Attorney General (w/copy of encls.)