

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Honorable Larry B. Hyman, Jr., Circuit Court Judge

Appellate Case No. 2017-001846

THE STATE,

vs.

Appellant,

JAVON DION GIBBS,

Respondent.

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APR 11 2018

SC Court of Appeals

**MOTION FOR THIRD EXTENSION OF TIME TO FILE
INITIAL BRIEF OF APPELLANT**

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Initial Brief of Appellant 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, April 9, 2018, pursuant to this Court's Order dated March 14, 2018. Counsel for Respondent has consented to this third extension request.

The undersigned attorney for the Appellant has had a number of state and federal matters to attend since March 9, 2018. Specifically, Counsel presented oral arguments in the supreme court in Frierson v. State on March 29, 2018. In addition, Counsel has been very involved with numerous ongoing criminal investigation and working those cases toward trial.

Counsel has completed review of the record in this case and has done a significant amount of work preparing the Initial Brief of Appellant. However, due to counsel's involvement in these and other matters pending, 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. 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.

Respectfully Submitted,


ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

J. CLAYTON MITCHELL, III
Assistant Attorney General
Bar No. 101443

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: 
Ben Aplin, Senior Assistant Deputy Attorney
General on behalf of CLAYTON MITCHELL, III,
Assistant Attorney General
ATTORNEYS FOR APPELLANT

By:


BEN APLIN

I support the finding of good cause.
April 9, 2018.

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THE STATE,

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PROOF OF SERVICE

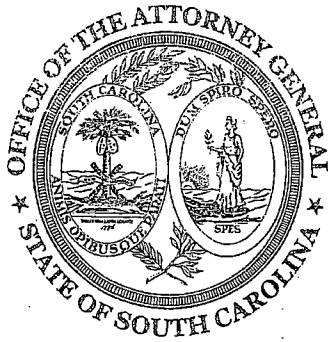
I, Ben Aplin, Senior Assistant Deputy Attorney General, of counsel for the Appellant, certify that I have served two (2) copies of the within motion for a third extension of time to file the Initial Brief of Appellant via U.S. mail to his attorney of record, Robert M. Dudek, Esq., SCCID/Division of Appellate 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 9th day of April, 2018.



BEN APLIN
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

April 9, 2018

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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:

Enclosed for filing are the original and six (6) copies of the Appellant's Third Extension of Time to File Initial Brief of Appellant, together with Proof of Service, in the above-referenced matter. Counsel for Respondent has consented to this extension request.

Thank you for your assistance in this matter.

Sincerely,

Ben Aplin,
Senior Assistant Deputy Attorney General

MJB/dmd
Enclosures

cc: Robert M. Dudek, Appellate Defender (w/two copies of encls.)

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04/09/2018

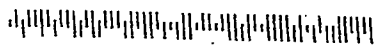
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State of South Carolina
P. O. Box 11549 - Columbia SC 29211-1549

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Clerk, South Carolina Court of Appeals
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