

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APR 13 2018

SC Court of Appeals

Appeal from Pickens County  
Honorable Letitia H. Verdin, Circuit Court Judge  
Appellate Case No. 2017-001983

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ZEBULLIN ALAN SHORT,

Appellant,

vs.

THE STATE,

Respondent.

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

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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 April 13, 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 at the Supreme Court in State v. Lott; has

participated in oral argument at the Court of Appeals in State v. Millidge and State v. Massey; 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. Moore, State v. Daugherty, State v. Frasier, and State v. Campbell.

**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 four distinct issues 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.

**IV.**

The undersigned counsel has spoken to opposing counsel about this extension request, and opposing counsel has graciously indicated he does not have any objections to the request.

**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,

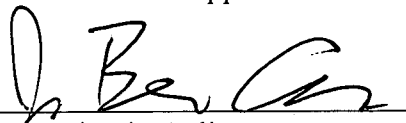
ALAN WILSON  
Attorney General

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

April 13, 2018

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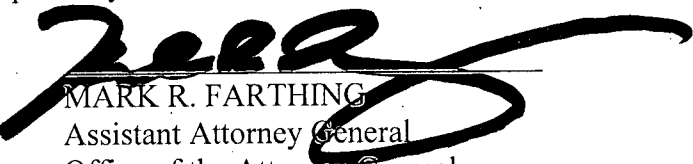
**PROOF OF SERVICE**

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I, Mark R. Farthing, 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:

William Norman Epps, III, Esq.  
Post Office Box 2167  
Anderson, SC 29622

I further certify that all parties required by Rule to be served have been served.  
This 13th day of April, 2018.

  
MARK R. FARTHING  
Assistant Attorney General  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727



ALAN WILSON  
ATTORNEY GENERAL

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SC Court of Appeals

April 13, 2018

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

RE: Zebullin Alan Short – Appellate Case No. 2017-001983

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: William Norman Epps, III, Esquire  
Victim Advocacy Division