

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Edgefield County
The Honorable Eugene C. Griffith, Circuit Court Judge
Appellate Case No. 2017-000152

RECEIVED
MAY 08 2018
SC Court of Appeals

The State,

Respondent,

v.

Timothy Wayne Wheeler,

Appellant.

**MOTION TO SERVE AND FILE
INITIAL BRIEF OF RESPONDENT OUT OF TIME**

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

1. The Initial Brief of Respondent was due to be served and filed May 7, 2018.
2. The undersigned made every effort to complete and file the brief by the May 7 deadline. Due to the undersigned's recent absences from work for medical reasons, and the absence of the undersigned's legal assistant for medical reasons on May 7, the undersigned was unable to fully complete the brief by its due date.
3. The undersigned requests this Court allow the Initial Brief to be served and filed out of time. The Initial Brief of Respondent is being served and filed concomitant with this motion so no further delay will occur, and the undersigned asks this Court to accept the Initial Brief as

filed. Opposing counsel has authorized the undersigned to advise the Court he consents to the relief requested herein.

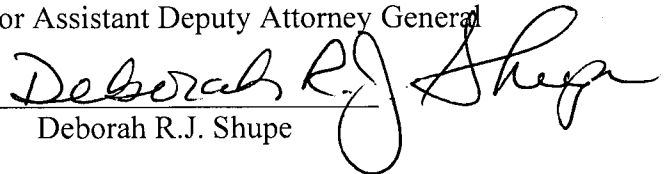
WHEREFORE, Respondent prays that the Court hold this matter in abeyance until ruling on this motion, allow the service and filing of the Initial Brief of Respondent out of time, and accept the Initial Brief submitted with this motion as filed; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General

By:


Deborah R.J. Shupe

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

May 8, 2018

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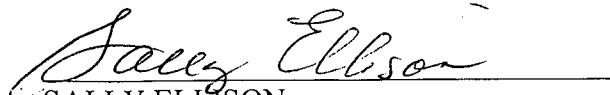
PROOF OF SERVICE

I, Sally Ellison, certify I served the Motion to Serve and File the Initial Brief of Respondent Out of Time on Appellant by depositing a copy of same in the United States mail, postage prepaid, addressed to:

Taylor Gilliam
Assistant Appellate Defender
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 8th day of May, 2018.



SALLY ELLISON
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

May 8, 2018

VIA HAND DELIVERY

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

RECEIVED

MAY 08 2018

SC Court of Appeals

Re: State v. Timothy Wayne Wheeler
Appellate Case Tracking No. 2017-000152

Dear Ms. Kitchings:

Enclosed are the original and two copies of a Motion to Serve and File Initial Brief of Respondent Out of Time, with proof of service, for filing in the above-referenced appeal.

Sincerely,

Deborah R.J. Shupe
Senior Assistant Deputy Attorney General

Enclosures

cc: Taylor Gilliam, Assistant Appellant Defender
Victim Advocacy Division