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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Pickens County

Edward W. Miller, Circuit Court Judge

RECEIVED
JUN 05 2018
SC Court of Appeals

THE STATE,

RESPONDENT,

v.

LUTHER BRIAN MARCUS,

APPELLANT

APPELLATE CASE NO. 2017-002622

MOTION TO FILE OUT OF TIME A REQUEST FOR A SECOND EXTENSION
TO FILE THE INITIAL BRIEF OF APPELLANT AND DESIGNATION OF MATTER

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, the undersigned counsel requests the relaxation of Rule 263(b), SCACR, and allow leave in which to file out of time a second extension for the Initial Brief of Appellant and Designation of Matter in this case. In support of this motion counsel submits the following.

1. The Initial Brief of Appellant and Designation of Matter in this case were scheduled to be filed with this Court on May 1, 2018.
2. Undersigned counsel filed a first extension request on May 1, 2018, and this Court granted the extension request and extended the deadline for the Initial Brief of Appellant to May 31, 2018.

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3. However, this date was inadvertently not calendared and Counsel did not file within the allotted period.

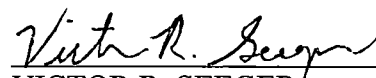
4. As indicated by signature below, counsel for the state, Matthew Buchanan, Esquire, of the Department of Probation, Parole, and Pardon Services graciously consents to or does not oppose this request.

5. Counsel makes this request in good faith and not for purposes of delay.

6. A second extension has been prepared and is being filed along with this motion.

WHEREFORE, the undersigned counsel respectfully requests that this Court grant counsel's request to relax Rule 263(b), SCACR, and allow leave in which to file a second extension for the Initial Brief of Appellant and Designation of Matter in this case out of time based upon the above circumstances.

Respectfully submitted,

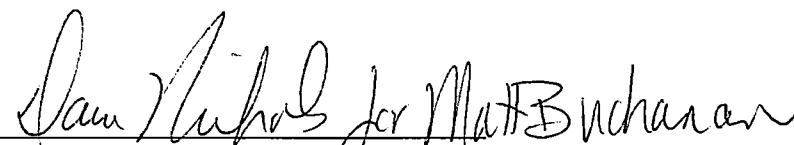


VICTOR R. SEEGER
Appellate Defender

ATTORNEY FOR APPELLANT

This 5th day of June, 2018.

I do not oppose:



Matthew Buchanan, Esquire