

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. 2017-002623

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. On June 4, 2018, undersigned counsel spoke to J. Benjamin Aplin, Esq., at the Attorney General's office and he consented to 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.

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CERTIFICATE OF SERVICE

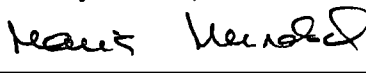
I certify that a true copy of the motion to file out of time a request for a second extension to file the initial brief of appellant and designation of matter in the above case has been served upon J. Benjamin Aplin, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 5th day of June, 2018.



Victor R. Seeger
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME
this 5th day of June, 2018.

 (L.S.)

Notary Public for South Carolina
My Commission Expires: July 3, 2023.