

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**  
AUG 23 2018  
SC Court of Appeals

\_\_\_\_\_  
Appeal from Horry County  
The Honorable R. Markley Dennis, Circuit Court Judge  
Appellate Case No. 2017-001876

The State,

Respondent,

v.

Sidney St. Clair Moorner,

Appellant.

\_\_\_\_\_  
**MOTION TO SERVE AND FILE  
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER  
OUT OF TIME AND FOR AN ADDITIONAL 30 DAYS TO RESPOND**  
\_\_\_\_\_

Respondent, through its undersigned counsel, hereby moves to file the Initial Brief of Respondent and Designation of Matter out of time and for an additional 30 days to file these documents to be included in the Record on Appeal. In support of this Motion, Respondent submits the following.

1. The Initial Brief of Respondent and Designation of Matter was due to be served and filed August 6, 2018. However, due to an administrative error, the email which was sent to all parties on August 6, 2018, requesting a first extension did not include the Court of Appeals as a recipient to the email. The request for a first extension would extend the time to respond to the Appellant's brief until September 5, 2018. Therefore, counsel for the Respondent is requesting an additional 30 days to respond to the Initial Brief of Appellant and Designation of Matter

which would make the Respondent's Initial Brief and Designation of Matter due on October 5, 2018.

2. The undersigned is on a medically required work restriction and is only able to work a few hours per day when possible. However, the undersigned assures the Court completion of the brief is a high priority, and she will work diligently to complete the Initial Brief of Respondent and Designation of Matter.

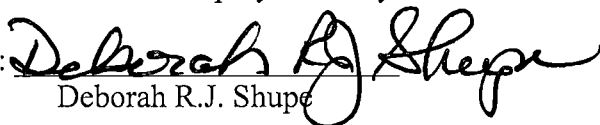
3. Opposing counsel has authorized the undersigned to advise the Court she consents to the relief requested herein.

WHEREFORE, Respondent prays that the Court hold this matter in abeyance until ruling on this motion, allow the filing and service of the Initial Brief of Respondent to be extended until October 5, 2018, 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

August 23, 2018

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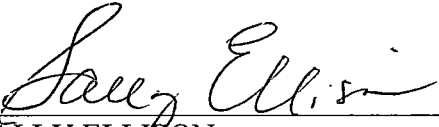
**PROOF OF SERVICE**

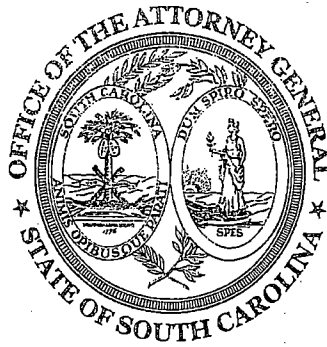
I, Sally Ellison, certify I served the Motion to Serve and File the Initial Brief of Respondent Out of Time on Appellant by depositing a copy of same in the United States mail, postage prepaid, addressed to:

Susan B. Hackett, Esquire  
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 23rd day of August, 2018.

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



ALAN WILSON  
ATTORNEY GENERAL

August 23, 2018

**RECEIVED**  
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SC Court of Appeals

**VIA HAND DELIVERY**

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

Re: State v. Timothy Sidney St. Clair Moorer  
Appellate Case No. 2017-001876

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: Susan B. Hackett, Assistant Appellant Defender  
Victim Advocacy Division