

8)

3rd RIB due 11/9/18

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

NOV 09 2018

**SC Court of Appeals**

Appeal from Marion County  
The Honorable William H. Seals, Circuit Court Judge  
Appellate Case No. 2017-00239

THE STATE,

RESPONDENT,

vs.

RUSSELL LEVON JOHNSON,

APPELLANT.

**MOTION FOR THIRD EXTENSION TO SERVE AND FILE  
RESPONDENT'S INITIAL BRIEF AND DESIGNATION OF MATTER**

Respondent, State of South Carolina, through its undersigned counsel, hereby moves for a third extension of time to serve and file the Initial Brief of Respondent and Designation of Matter to be included in the Record on Appeal. In support of this motion, the undersigned submits the following:

1. The Initial Brief of Respondent and Designation of Matter are due to be served and filed on November 9, 2018, pursuant to a second extension. The undersigned requests a third extension to serve and filed these documents, which is not made for the purpose of delay, but due to a medically required work restriction. In addition to the restricted work hours, the undersigned was required to travel out of state due to family matters.

2. The undersigned assures the Court the brief is a high priority, and she will work diligently to complete it.

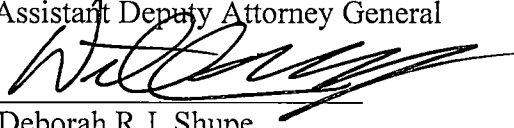
3. The undersigned consulted with counsel for the Appellant, and she is authorized to advise the court that counsel consents to the requested relief.

Based on the foregoing, Respondent respectfully requests this Court grant a third 30-day extension in which to serve and file the Initial Brief of Respondent and Designation of Matter, and all deadlines be held in abeyance pending resolution of this motion.

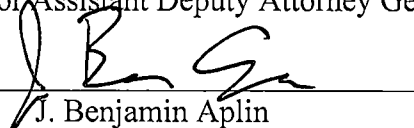
Respectfully submitted,

ALAN WILSON  
Attorney General

DEBORAH R.J. SHUPE  
Senior Assistant Deputy Attorney General

BY:   
For Deborah R.J. Shupe

J. BENJAMIN APLIN  
Senior Assistant Deputy Attorney General

BY:   
J. Benjamin Aplin

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29212  
(803) 734-3727

ATTORNEYS FOR THE RESPONDENT

November 9, 2018

IN THE COURT OF APPEALS

Appeal from Marion County  
The Honorable William H. Seals, Circuit Court Judge  
Appellate, Case No. 2017-00239

**RECEIVED**  
NOV 09 2018  
SC Court of Appeals

THE STATE,

RESPONDENT,

vs.

RUSSELL LEVON JOHNSON,

APPELLANT.

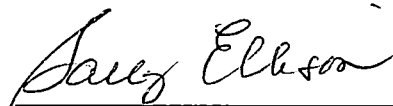
**PROOF OF SERVICE**

I, Sally Ellison, certify I served the Motion for a Third Extension to Serve and File the Initial Brief of Respondent and Designation of Matter on Appellant by depositing a copy of same in the United States mail, postage prepaid, addressed to

Lara M. Caudy, Esquire  
Appellate Defender  
SCCID  
PO Box 11589  
Columbia, SC 29211-1589

I further certify that all parties required by Rule to be served have been served.

This 9<sup>th</sup> day of November, 2018.



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



ALAN WILSON  
ATTORNEY GENERAL

November 9, 2018

**HAND-DELIVERY**

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

**RECEIVED**  
NOV 09 2018  
SC Court of Appeals

Re: The State v. Russell Levon Johnson  
Appellate Case No. 2017-002393

Dear Ms. Kitchings:

Enclosed are an original and seven (7) copies of a Motion for Third Extension to Serve and File the Initial Brief of Respondent and Designation of Matter, with proof of service, in the above-referenced appeal.

Sincerely,

For Deborah R.J. Shupe  
Senior Assistant Deputy Attorney General

Enclosures

cc: Lara M. Caudy, Esquire  
Victim Advocacy Division