

**RECEIVED**  
DEC 10 2018  
SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE 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 FOURTH AND FINAL 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 fourth 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 December 10, 2018, pursuant to a third extension. The undersigned requests a fourth and final extension to serve and filed these documents, which is not made for the purpose of delay. The undersigned is on a medically required work restriction which requires the undersigned to work from her home. Over the last few days, the undersigned made numerous attempts to prepare the brief in this matter through remote access to the Attorney General Office's database, but was unable to do so. Counsel's lack of access to the database precluded completion of the brief in time to be filed by close of business today.

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

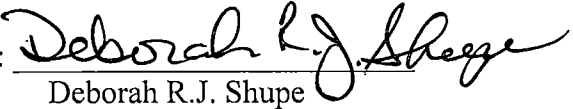
3. The undersigned consulted with counsel for the Appellant, and she is authorized to advise the court that counsel consents to the requested relief.

Based on the foregoing, Respondent respectfully requests this Court grant a fourth thirty-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.

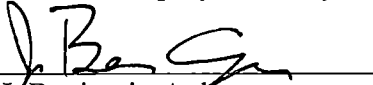
Respectfully submitted,

ALAN WILSON  
Attorney General

DEBORAH R.J. SHUPE  
Senior Assistant Deputy Attorney General

BY:   
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

December 10, 2018

IN THE COURT OF APPEALS

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Appeal from Marion County  
The Honorable William H. Seals, Circuit Court Judge  
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THE STATE,

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**PROOF OF SERVICE**

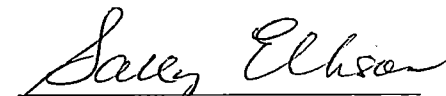
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I, Sally Ellison, certify I served the Motion for a Fourth Extension to Serve and File the Initial Brief of Respondent and Designation of Matter on Appellant by depositing a copy of same in the United States mail, postage prepaid, addressed to

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 10th day of December, 2018.

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



ALAN WILSON  
ATTORNEY GENERAL

December 10, 2018

**HAND-DELIVERY**

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

**RECEIVED**  
DEC 10 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 Fourth Extension to Serve and File the Initial Brief of Respondent and Designation of Matter, with proof of service, in the above-referenced appeal.

Sincerely,

Deborah R.J. Shupe  
Senior Assistant Deputy Attorney General

Enclosures

cc: Lara M. Caudy, Esquire  
Victim Advocacy Division

✓