

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Honorable Larry B. Hyman, Jr., Circuit Court Judge

THE STATE,

APPELLANT,

V.

JAVON DION GIBBS,

RESPONDENT.

APPELLATE CASE NO. 2017-001846

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JAN 02 2019

MOTION FOR THIRD EXTENSION OF TIME TO FILE
INITIAL REPLY BRIEF OF APPELLANT

SC Court of Appeals

The undersigned counsel would respectfully request an additional ten (10) day extension in which to file the Initial Reply Brief of Appellant in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Appellant's Initial Reply Brief is due today, Wednesday, January 2, 2019, pursuant to this Court's Order dated December 27, 2018.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since December 3, 2018. Specifically, Counsel has submitted a supplemental record on appeal and final brief of respondent to the supreme court in State v. Denzel Heyward. Counsel has also been involved with numerous ongoing criminal investigations and working those cases towards charges and trials. In addition, Counsel has taken leave on days immediately before and after the holidays.

Due to counsel's involvement in these and other matters pending in state and federal court, counsel for Appellant moves this Court to enlarge the time for filing the response by granting a ten (10) day extension up to and including January 14, 2019. This request is made in good faith, and not for the purpose of delay.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

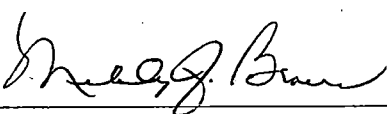
J. CLAYTON MITCHELL, III
Assistant Attorney General
ID No. 101443

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: 
ATTORNEYS FOR RESPONDENT

January 2, 2019.

I support the finding of good cause.

By: 
MELODY J. BROWN
Senior Assistant Deputy Attorney General

**STATE OF SOUTH CAROLINA
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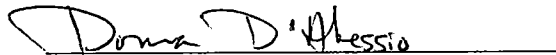
APPELLATE CASE NO. 2017-001846

PROOF OF SERVICE

I, Donna D'Alessio, an employee of the Appellant, certify that I have served the within Motion for Third Extension of Time to File Initial Reply Brief of Appellant on Respondent by depositing two (2) copies of the same via U.S. mail, first class, postage prepaid to his attorney of record, Robert M. Dudek, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Ste. #401, Columbia, South Carolina 29201.

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

This 2nd day of January, 2019.



Donna D'Alessio,
Legal Assistant to Melody Brown,
Senior Assistant Deputy Attorney General

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SC Court of Appeals



ALAN WILSON
ATTORNEY GENERAL

January 2, 2019

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

Re: *The State v. Javon Dion Gibbs*
Appeal from Horry County
Appellate Case No. 2017-001846

Dear Ms. Kitchings:

I hereby request an extension of an additional ten (10) days in which to file the Initial Reply Brief of Appellant in the above-referenced case. The Initial Reply Brief is currently due to be served and filed today, January 2, 2019. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Initial Reply Brief of Appellant.

Therefore, I am enclosing an original and six (6) copies of a Motion for Third Extension to File Initial Reply Brief of Appellant. Counsel for Respondent has consented to this request.

Sincerely,

Clay Mitchell
Assistant Attorney General

CM:dmd
Enclosures
cc: Robert M. Dudek, Esq. (w/two copies of encls.)

RECEIVED

JAN 02 2019

SC Court of Appeals