

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED

Certiorari to Beaufort County
Brooks P. Goldsmith, Circuit Court Judge
APPELLATE CASE NO. 2016-001684

JAN 16 2019

SC Court of Appeals

MYKEL JOHNSON,

PETITIONER

vs.

THE STATE

RESPONDENT

**MOTION TO FILE BRIEF OF RESPONDENT OUT OF TIME AND FOR A 30-DAY
EXTENSION**

Respondent, State of South Carolina, through its undersigned counsel, hereby moves to file the Brief of Respondent out of time and for a 30-day extension to file this document. In support of this Motion, Respondent submits the following:

1. The brief of respondent was initially due to be filed and served December 31, 2018. However, due to an administrative error and the Brief originally being received by an attorney no longer with the division, the Brief of Petitioner was only recently received by the responsible attorney.
2. The Respondent requests an additional 30 days to file these documents.
3. The undersigned assures the Court completion of the return is a high priority, and work will be done diligently to complete the Brief of Respondent.
4. Going forward, Senior Assistant Attorney General Benjamin J. Aplin will be representing Respondent in this case.

Based on the foregoing, Respondent respectfully requests this Court hold this matter in

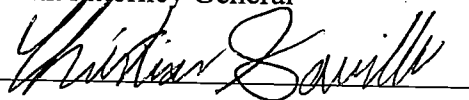
abeyance pending resolution of this Motion, and grant Respondent's request for a 30-day extension of time to file and serve the return to petition for writ of certiorari in this appeal.

Respectfully submitted,

ALAN WILSON
Attorney General

CHRISTIAN SAVILLE
Assistant Attorney General

BY:

A handwritten signature in cursive script, appearing to read "Christian Saville", written over a horizontal line.

Office of the Attorney General
PO Box 11549
Columbia, SC 29211
803-734-3739

January 16, 2019

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari from Beaufort County
The Honorable Brooks P. Goldsmith, Circuit Court Judge

Appellate Case No. 2016-001684

RECEIVED
JAN 16 2019
SC Court of Appeals

MYKEL JOHNSON, #351916,

PETITIONER,

v.

THE STATE OF SOUTH CAROLINA,

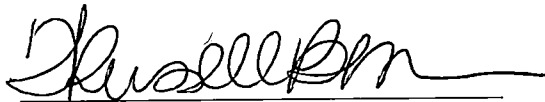
RESPONDENT,

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the **Motion to File Brief of Respondent out of Time and for a 30-Day Extension** has been served upon applicant by mailing one copy in the United States mail, postage prepaid:

**Susan B. Hackett, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589**

This 16th day of January, 2019



TAMIEKA RUSSELL-BROWN
LEGAL ASSISTANT



ALAN WILSON
ATTORNEY GENERAL

January 16, 2019

RECEIVED
JAN 16 2019
SC Court of Appeals

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

Re: Mykel Johnson, #351916 v. State of South Carolina
Appellate Case No. 2016-001684
Lower Court Case No. 2014-CP-07-1759

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of the **Motion to File Brief of Respondent out of Time and for a 30-Day Extension**. By copy of this letter we are serving applicant today.

Sincerely,

Christian Saville
Assistant Attorney General
SC Bar No. 103272

CS/trb
Enclosures

cc: Susan Hackett, Esquire

✓



ALAN WILSON
ATTORNEY GENERAL

January 17, 2019

RECEIVED

JAN 16 2019

SC Court of Appeals

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

Re: Mykel Johnson, #351916 v. State of South Carolina
Appellate Case No. 2016-001684
Lower Court Case No. 2014-CP-07-1759

Dear Ms. Kitchings:

Please be advised that I will be representing the State in the above-referenced appeal. Please substitute me as counsel of record and forward all future correspondence regarding this matter to me. If you have any questions, do not hesitate to contact me by phone at (803) 734-3737 or by electronic mail at BLimbaugh@scag.gov.

Sincerely,

Benjamin Limbaugh

Benjamin Limbaugh
Assistant Attorney General
SC Bar No. 102259

BL/trb

cc: Susan B. Hackett, Esquire