

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Honorable Robert E. Hood, Circuit Court Judge
Appellate Case No. 2018-000341

RECEIVED
FEB 21 2019
SC Court of Appeals

THE STATE,

Respondent,

vs.

SHELBY HARPER TAYLOR,

Appellant.

**MOTION FOR FOURTH EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTER**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter are due to be served and filed on February 21, 2019.

II.

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the State moves for a **fourth and final** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. In the past few weeks, the undersigned counsel has participated in oral argument at the Supreme Court in Conrad

Lamont Slocumb v. State; has participated in oral argument at the Court of Appeals in State v. James Bubba Patterson, State v. Joseph Bowers, State v. Jacob M. Hendrix, State v. Stacy Carol Riden, State v. Aaron Van Hendrix, and State v. Maurice Marshall Harris; has submitted a Brief of Respondent Pursuant to White v. State to the Supreme Court in Gerald Edwards v. State and Harry Roller v. State, has submitted an Initial Brief of Respondent to the Court of Appeals in State v. Ontavious Derenta Plumer, State v. Christian Arenson Scowcroft, State v. Melvin Fourney, Sr., State v. Darell Oneil Boston, State v. Phillip Antoine Stackhouse, and State v. Stephen Louis Barnes; has submitted an Initial Reply Brief of Appellant to the Court of Appeals in State v. Adam Keith Lunsford; has submitted a Petition for Writ of Certiorari to the Supreme Court in State v. James Archie Crews, IV; has submitted a Return to Petition for Writ of Certiorari to the Supreme Court in State v. Corey Andrew Brown, State v. Benjamin Cervantes Hernandez, and State v. Robert Davis Smith, Jr.; and has submitted a second Return to Petition for Rehearing to the Court of Appeals in State v. Benjamin Cervantes Hernandez.

III.

The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The Brief in the above-referenced case has required significant research because the case involves an important issue on appeal involving whether the trial judge erred by instructing the jury on inferred malice when defining the offense of attempted murder. The undersigned counsel is currently working on the Brief in this case and intends to have it finished in a timely manner. However, the undersigned counsel has not yet been able to finish the Brief. Accordingly, in order to ensure the Brief is properly researched and prepared, I would therefore request one **final** extension of time within which to serve and file the Brief.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty days from the date such relief is granted; hold the matter in abeyance pending a ruling on Respondent's motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

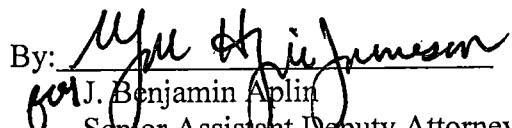
ALAN WILSON
Attorney General


MARK R. FARTHING
Assistant Attorney General

By: 
Mark R. Farthing

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

We have reviewed and approved this extension request.

By: 
for J. Benjamin Aplin
Senior Assistant Deputy Attorney General

By: 
Donald J. Zelenka
Deputy Attorney General

February 21, 2019

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PROOF OF SERVICE

I, Shana Montgomery, certify I have served the within Motion for Fourth Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by sending two copies of the same to:

Emily C. Paavola, Esq.
900 Elmwood Ave., Suite 200
Columbia, SC 29201

John H. Blume, Esq.
Cornell Law School
159 Hughes Hall
Ithaca, NY 14853

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I further certify all parties required by Rule to be served have been served.
This 21st day of February, 2019.



SHANA MONTGOMERY
Legal Assistant
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

February 21, 2019

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

RE: State v. Shelby Harper Taylor – Appellate Case No. 2018-000341

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Motion for Fourth Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Mark R. Farthing
Assistant Attorney General
Bar Number 76901

MRF/
Enclosures

cc: Emily C. Paavola, Esq.
John H. Blume, Esq.
Victim Advocacy Division

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