

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Beaufort County
The Honorable Carmen T. Mullen, Circuit Court Judge
Appellate Case No. 2018-000426

RECEIVED

FEB 28 2019

SC Court of Appeals

IN THE MATTER OF THE CARE AND
TREATMENT OF ROBERT POWELL

APPELLANT.

**MOTION TO FILE INITIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTER OUT OF TIME AND MOTION FOR AN
ADDITIONAL 30 DAYS TO RESPOND**

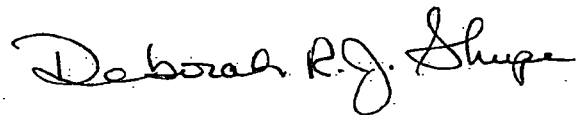
Respondent, through its undersigned attorney, would respectfully show as follows:

1. The Initial Brief of Respondent and Designation of Matter was due to be served and filed February 13, 2019.
2. As a result of a calendaring error, Respondent did not file the brief when due. Respondent respectfully requests it be allowed to file the Initial Brief of Respondent and Designation of Matter out of time and for an additional 30 days within which to serve and file the Respondent's Initial Brief and Designation of Matter. This request is not intended for the purpose of delay, and the Respondent does not believe this request will result in any prejudice to the Appellant should this Motion be granted.
3. The undersigned has 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 hold this matter in abeyance pending a resolution of this motion, and grant the Respondent the requested relief.

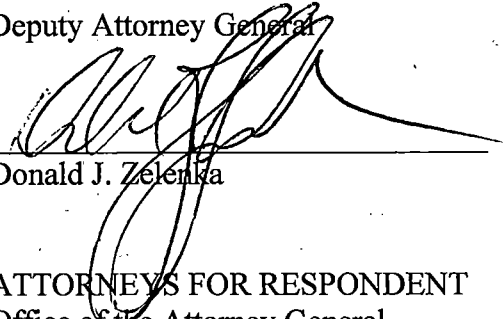
ALAN WILSON
Attorney General

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General
SC Bar No. 5098



Deborah R.J. Shupe

DONALD J. ZELENKA
Deputy Attorney General



Donald J. Zelenka

ATTORNEYS FOR RESPONDENT
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3970

February 28, 2019

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IN THE MATTER OF THE CARE AND
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APPELLANT.


PROOF OF SERVICE

I, Sally Ellison, certify I served and filed the Motion to File Initial Brief of Respondent and Designation of Matter Out of Time and For An Additional 30 Days to Respond, by depositing a copy in the United States mail, postage prepaid, addressed to:

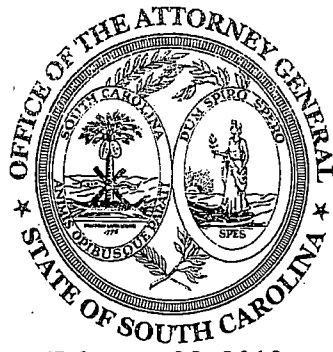
Joanna Delany, Esquire
Assistant Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

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

This 28th day of February.



SALLY B. ELLISON
Administrative Assistant
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727



February 28, 2019

ALAN WILSON
ATTORNEY GENERAL

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SC Court of Appeals

HAND-DELIVERY

The Honorable Jenny A. Kitchings
Clerk, SC Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: In The Matter of the Care and Treatment of Robert Powell
Appellate Case No. 2018-000426

Dear Ms. Kitchings:

Enclosed for filing are an original and seven (7) copies of a Motion to Serve and File Initial Brief of Respondent and Designation of Matter Out of Time and For An Additional 30 days to Respond, with Proof of Service.

Sincerely yours,

Deborah R.J. Shupe
Senior Assistant Deputy Attorney General

DRJS/se
Enclosures

cc: Joanna K. Delany, Esquire (w/enclosures)
Victim Advocacy Division