

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Pickens County
The Honorable Letitia H. Verdin, Circuit Court Judge

THE STATE,

v.

JOHN WILLIAM MCCARTY,

Respondent.
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JUL 05 2019
SC Court of Appeals
Appellant.

Appellate Case No. 2017-002377

**MOTION FOR FIRST EXTENSION OF TIME TO FILE
FINAL BRIEF OF RESPONDENT**

The undersigned counsel would respectfully request a three (3) day extension in which to file the Final Brief of Respondent in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Final Brief is due today, July 5, 2019. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since June 5, 2019. Specifically,

1. Counsel was ordered by the State of South Carolina National Guard for annual training at Fort Dix, New Jersey from June 16, 2019 until June 29, 2019; and
2. Counsel filed the Return in the matter of *Clinton Folkes v. Warden Nelson*, C/A No: 2:19-cv-760-RMG-MGB on July 3, 2019.

Due to counsel's involvement in these and other matters, counsel is unable to timely complete the Final Brief of Respondent.

The undersigned Office has consulted with opposing counsel; opposing counsel has graciously consented to this request.

WHEREFORE, counsel respectfully requests a three (3) day extension of time to serve and file the Final Brief of Respondent and Designation of Matter. This request is made in good faith, and not for the purposes of delay.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

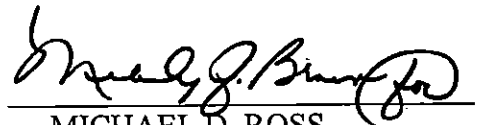
MICHAEL D. ROSS
Assistant Attorney General
No. 73986

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Columbia, South Carolina 29211
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JUL 05 2019

SC Court of Appeals

By: 
MICHAEL D. ROSS
ATTORNEYS FOR RESPONDENT

July 5, 2019.

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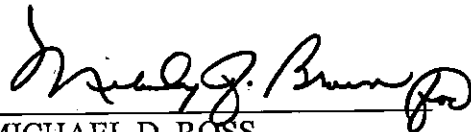
Appellate Case No. 2017-002377

PROOF OF SERVICE

I, **Michael D. Ross**, of counsel for the Respondent, certify that I have served two (2) copies of the motion for a first extension to file Final Brief of Respondent via U.S. mail to Appellant's attorney of record, Susan B. Hackett 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 5th day of July, 2019.



MICHAEL D. ROSS
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

July 5, 2019

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

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JUL 05 2019
SC Court of Appeals

Re: *The State v. John William McCarty*
Appeal from Pickens County
Appellate Case No. 2017-002377

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's First Motion for Extension of Time to File Final Brief of Respondent, together with Proof of Service, in the above-referenced matter.

Thank you for your assistance in this matter.

Sincerely,

Michael D. Ross
Assistant Attorney General

MDR:dmd

Enclosures

cc: Susan B. Hackett, Esq. (w/two copies of encls.)