

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Williamsburg County
The Honorable R. Ferrell Cothran, Circuit Court Judge

RECEIVED
JUL 03 2019
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JOHN ARTHUR JAMES, III,

APPELLANT.

APPELLATE CASE NO. 2018-001080

**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 on June 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

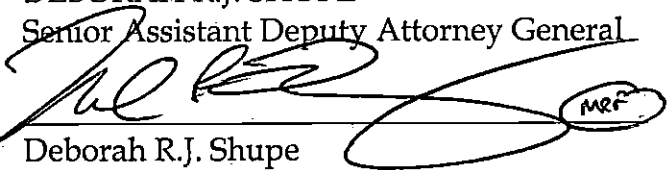
intended for the purpose of delay, and the Respondent does not believe this request will result in any prejudice to the Appellant should this Motion be granted.

3. The undersigned consulted with counsel for the Appellant by email for consent to file the Initial Brief and Designation of Matter out of time, 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

The signature is a cursive scribble. To the right of the signature, the initials 'MRF' are circled in a hand-drawn oval. To the left of the signature, the word 'file' is written in a cursive script.
file Deborah R.J. Shupe

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

July 3, 2019

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PROOF OF SERVICE

I, Sally Ellison, certify that 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
SC Commission on Indigent Defense
PO Box 11589
Columbia, SC 29211-1589

I further certify all parties required by Rule to be served have been served.
This 3rd day of July, 2019.



Sally Ellison
Legal Assistant
Office of Attorney General
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

July 3, 2019.

HAND DELIVERY

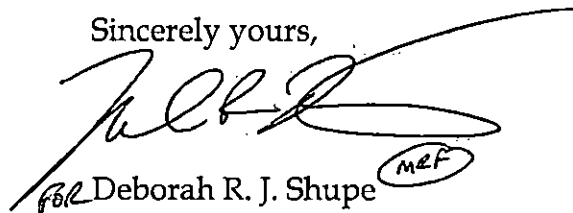
The Honorable Jenny A. Kitchings
Clerk, SC Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: The State v. John Arthur James, III
Appellate Case No. 2018-001080

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,



DRJ

DRJ Deborah R. J. Shupe
Senior Assistant Deputy Attorney General

DRJS/se
Enclosures

cc: Joanna K. Delany, Esquire (w/enclosure)
Victim Services

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