

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Jasper County
Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

v.

RICHARD PASSIO, JR.,

Respondent,

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SEP 16 2019

Appellant
SC Court of Appeals

Appellate Case No. 2018-001488

**MOTION FOR SECOND EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

Respondent, the State, moves this Court for an additional thirty (30) day extension of time in which to file the Initial Brief of Respondent and Designation of Matter. This is Respondent's second request for an extension of time in which to file the brief. In support of the request, undersigned counsel for Respondent would respectfully show unto the Court that she has been scheduled to complete a number of state and federal matters in the last thirty (30) days to include the following:

1. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Henry Lee Kinlaw, #271267 vs. Warden of Ridgeland, C/A No. 1:19-1862-TMC-SVH on August 28, 2019;
2. Counsel filed the Initial Brief of Respondent and Designation of Matter in the matter of The State vs. Jody L. Ward, Appellate Case No. 2018-000402, a Georgetown County murder

appeal matter now pending before the South Carolina Court of Appeals on September 6, 2019;

3. Counsel has also been reviewing thousands of pages of discovery in order to facilitate additional production and completion of the evidentiary hearing in the matter of Norman Starnes v. State, C/A 2011-CP-32-00830, a capital post-conviction relief action which is awaiting an evidentiary hearing in the South Carolina Circuit Court.

Counsel is currently preparing the Initial Brief in this matter, but has been unable to complete the responsive brief in a timely fashion due to her caseload. Accordingly, she requests the additional time in order to do so. Counsel for Appellant has consented via email to this request.

WHEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete the Initial Brief of Respondent and Designation of Matter.

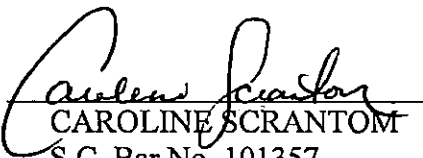
Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

CAROLINE SCRANTOM
Assistant Attorney General

By: 
CAROLINE SCRANTOM
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ATTORNEY FOR RESPONDENT

September 16, 2019
Columbia, South Carolina

STATE OF SOUTH CAROLINA
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Appellate Case No. 2018-001488

PROOF OF SERVICE

I, Caroline Scrantom, certify that I have served Respondent's Motion for a Second Extension of Time to file Initial Brief of Respondent and Designation of Matter by depositing two (2) copies of the same in the United States mail, postage prepaid, to counsel for Appellant, addressed as follows:

Elizabeth Franklin-Best, Esq.
2725 Devine Street
Columbia, South Carolina 29205

This 16th day of September, 2019.


CAROLINE SCRANTOM
S.C. Bar No. 101357
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

ATTORNEY FOR RESPONDENT

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Appellant SEP 16 2019
SC Court of Appeals



ALAN WILSON
ATTORNEY GENERAL

September 16, 2019

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


Re: *The State v. Richard Passio, Jr.*
Appeal from Jasper County
Appellate Case No. 2018-001488

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Second Motion for Extension of Time to File Initial Brief of Respondent, together with Proof of Service, in the above-referenced matter. Counsel for Appellant has consented to this extension request.

Thank you for your assistance in this matter.

Sincerely,


Caroline Scramton
Assistant Attorney General

CS:dmd

Enclosures

cc: Elizabeth Franklin-Best, Esq. (w/two copies of encls.)

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SC Court of Appeals