

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Anderson County
Honorable J.C. Buddy Nicholson, Circuit Court Judge
Appellate Case No. 2018-001892

RECEIVED

OCT 01 2019

SC Court of Appeals

THE STATE,

RESPONDENT,

vs.

DARRELL EUGENE BLACKWELL

APPELLANT.

**AMENDED MOTION OUT OF TIME FOR FIRST 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. REQUEST FOR EXTENSION OUT OF TIME

Respondent’s Initial Brief and Designation of Matter in the above-captioned appeal was due to be filed and served on September 26, 2019. However, due to a clerical error, the due date for these items was listed for September 27, 2019. Respondent intended to request a third extension of thirty days to file its initial brief based on a heavy workload. Due to this clerical error, Respondent neglected to file an extension with this Court on September 26, 2019.

Accordingly, Respondent requests this Court relax the rules in order to file, out of time, a request for a thirty-day extension in which to prepare and submit its Initial Brief and Designation of Matter. *See* Rule 263(b), SCACR (“The time prescribed by these Rules for performing any

act except the time for serving the notice of appeal under Rules 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof.”). This is Respondent’s first extension request in this case.

The undersigned counsel apologizes for any inconvenience this request has caused the Court and Respondent. However, Respondent does not believe this request will result in any prejudice to Appellant should it be granted.

II. PRAYER FOR RELIEF

WHEREFORE, Respondent respectfully asks this Court to relax the rules to permit filing of this motion and thereby grant a first extension until **October 26**, thirty-days from the date on which the initial brief/request for the first extension was originally due.

Respectfully submitted,

ALAN WILSON
Attorney General

WILLIAM F. SCHUMACHER, IV
Assistant Attorney General

By: _____



William F. Schumacher, IV

Office of the Attorney General
Post Office Box 11549
Columbia, SC 213

October 1, 2019

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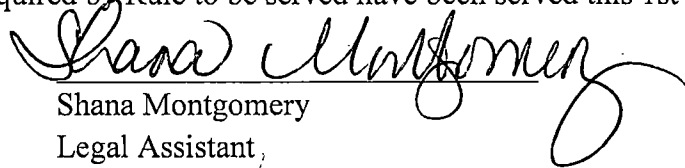
APPELLANT.

PROOF OF SERVICE

I, Shana Montgomery, certify that I have served the within Amended Motion Out of Time for First 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:

Robert M. Dudek, Esquire
Chief Appellate Defender
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29211-1589

I further certify that all parties required by Rule to be served have been served this 1st day of October, 2019.



Shana Montgomery
Legal Assistant,
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-0368



ALAN WILSON
ATTORNEY GENERAL

October 1, 2019

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SC Court of Appeals

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

RE: State v. Darrell Eugene Blackwell – Appellate Case No. 2018-001892

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Amended Motion Out of Time for First 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,

William F. Schumacher, IV
Assistant Attorney General
Bar Number 100231

WFS/sm
Enclosures

cc: Robert M. Dudek, Esquire
Victim Advocacy Division