

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Horry County
Honorable Thomas A. Russo, Circuit Court Judge

Appellate Case No: 2017-001229

RECEIVED
OCT 17 2019
SC Court of Appeals

THE STATE,

Respondent,

vs.

DAVID HAROLD CAMPBELL,

Appellant.

**PETITION TO RELAX RULE 208(a)(2) SCACR, AND RULE 209(a) SCACR
AND MOTION FOR A SECOND EXTENSION**

Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter were due to the Court on October 16, 2019, pursuant to this Court's order dated September 19, 2019. However, due to a calendaring error, counsel for the State failed to file its Initial Brief of Respondent and Designation of Matter on October 16, 2019.

II.

As a result of the calendaring error, the State respectfully asks this Court to relax the requirements of Rule 208(a)(2) SCACR, and Rule 209(a) SCACR, and permit the State to file a motion for a second extension of time within which to serve and file its Initial Brief and

Designation of Matter out of time. 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 Rule 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof.”). Due to work required in other cases pending before this Court and the South Carolina Supreme Court, I am unable to complete this Initial Brief on time. I would therefore request an extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

III.

This motion for extension is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared.

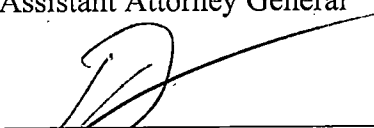
WHEREFORE, Respondent prays that the Court will relax the requirements of 208(a)(2) SCACR and 209(a) SCACR and permit the filing of this motion for a second extension for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

David Spencer
Senior Assistant Attorney General

BY: _____


David Spencer
S. C. Bar No: 68571

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

October 17, 2019

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PROOF OF SERVICE

I, Anne Mueller, certify that I have served the Petition to Relax Rule 208(a)(2) SCACR and 209(a) SCACR and Motion for Second Extension on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney of record, Tara D. Shurling, Esquire, 3614 Landmark Drive, Suite A, Columbia, SC 29204.

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

This 17th day of October, 2019.



Anne A. Mueller
Legal Assistant

Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

October 17, 2019

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SC Court of Appeals

Tara D. Shurling, Esquire
Law Office of Tara D. Shurling, PA
3614 Landmark Drive, Suite A
Columbia, SC 29204

RE: State v. David Harold Campbell
Appellate Case No: 2017-001229

Dear Ms. Shurling:

Enclosed please find two copies of the Petition to Relax Rule 208(a)(2) SCACR and 209(a) SCACR and Motion for Third Extension in the above case.

Sincerely,

David Spencer
Senior Assistant Attorney General
S.C. Bar No: 68571

DS/aam
Enclosures

cc: ~~The Honorable Jenny A. Kitchings (with original and 6 enclosed)~~
Victim Services Division