

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

FEB 06 2020

Appeal from Greenville County  
Honorable Robin B. Stillwell, Circuit Court Judge  
Appellate Case No. 2018-002085

**SC Court of Appeals**

THE STATE,

Respondent,

vs.

SHANNON EARL GARLAND,

Appellant.

**MOTION TO FILE EXTENSION REQUEST OUT OF TIME  
AND  
MOTION FOR SECOND 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.**

The Initial Brief of Respondent and Designation of Matter were due to be served and filed on Wednesday, February 5, 2020. However, due to a calendaring error, counsel for the State mistakenly failed to file those documents on the due date.

**II.**

As a result of the calendaring error, the State respectfully asks this Court to relax the requirements of Rule 208(a), SCACR, and Rule 209(a), SCACR, and permit the State to file a motion for a first extension of time within which to serve and file the Initial Brief of Respondent 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.”). The undersigned counsel apologizes for any inconvenience this request has caused to the Court and to the Appellant and does not believe this request will result in any prejudice to the Appellant should it be granted.

### III.

Additionally, pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the State moves for a **second** extension in the above-referenced criminal appeal. Due to work required in other cases pending before this Court and the South Carolina Supreme Court, I have been unable to complete this brief on time. This extension request is not intended for purposes of delay, but rather to ensure that the brief is properly researched and prepared. The undersigned is currently working on the brief in this case and hopes to have it completed in a timely manner. I would therefore ask this Court to accept the State’s motion for an extension of time out of time and to grant an extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

**WHEREFORE**, Respondent prays that the Court relax the requirements of Rule 242(f), SCACR; accept the filing of the Motion for First Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter out of time; extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

DAVID SPENCER  
Assistant Attorney General  
State Bar No. 68571

By: \_\_\_\_\_

  
David Spencer

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

ATTORNEYS FOR THE RESPONDENT

February 6, 2020

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IN THE COURT OF APPEALS

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**PROOF OF SERVICE**

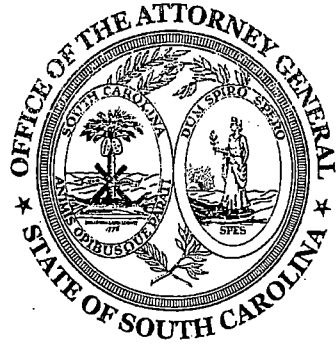
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I, Anne Mueller, certify that I have served the Motion To File Extension Request Out Of Time And Motion For Second Extension Of Time Within Which To Serve And File Initial Brief Of Respondent And Designation Of Matter on Appellant by delivering two copies of the same addressed to his attorney of record Susan B. Hackett, Esquire, 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 6th day of February, 2020.

  
\_\_\_\_\_  
Anne A. Mueller  
Legal Assistant

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



ALAN WILSON  
ATTORNEY GENERAL

February 6, 2020

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

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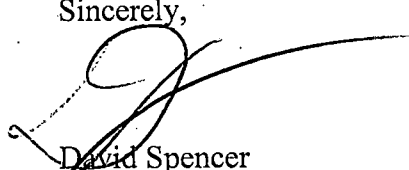
**SC Court of Appeals**

RE: State v. Shannon Earl Garland  
Appellate Case No. 2014-001798

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of the Motion To File Extension Request Out Of Time And Motion For Second 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,

  
David Spencer  
Assistant Attorney General  
Bar Number 68571

DS/aam  
Enclosures

cc: Susan B. Hackett, Esquire  
Victim Services