

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Darlington County
The Honorable J. Michael Baxley, Circuit Court Judge

Appellate Case No. 2011-198246

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA,

RESPONDENT,

vs.

KRISTOPHER WILMONT BERRY,

APPELLANT.

**PETITION FOR EXTENSION OF TIME TO SERVE AND FILE THE INITIAL
BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

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

The Initial Brief of Respondent and Designation of Matter in this case are due to be filed and served on February 28, 2013. Three previous extensions have been granted by this Court. Undersigned counsel delivered a baby on January 9, 2013, and just returned from maternity leave on February 25, 2013. In addition to preparing for two oral arguments scheduled for March 5, 2013 (State v. Byers and State v. Cobb), undersigned counsel has also been working on a Brief of Respondent due in this Court in the matter of Kevin Davonne Cox v. State, due February 27, 2013, a Brief for which three previous extensions were requested. In light of the foregoing, undersigned counsel has been unable to complete the Initial Brief of Respondent in the above-captioned matter. Therefore, Respondent is

Therefore, Respondent is respectfully requesting an extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter in this case.

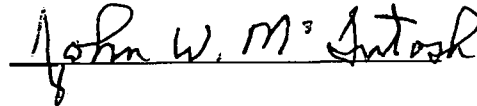
This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared. Please be advised that opposing counsel has verbally consented to this extension request.

WHEREFORE, Respondent prays that the Court 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.

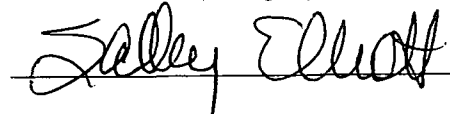
Respectfully submitted,

ALAN WILSON
Attorney General

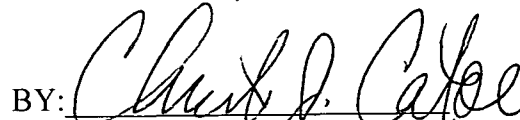
JOHN W. McINTOSH
Chief Deputy Attorney General



SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General



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Assistant Attorney General

BY: 

Christina J. Catoe
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ATTORNEYS FOR RESPONDENT

February 27, 2013

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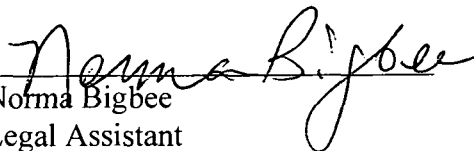
APPELLANT.

PROOF OF SERVICE

I, Norma Bigbee certify that I have served the Petition for Extension of Time to Serve and File the Initial Brief of Respondent and Designation of Matter on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney of record, Dayne C. Phillips, Esquire, South Carolina Commission on Indigent Defense, Division of Appellate Defense, P.O. Box 11589, Columbia, SC 29211.

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

This 27th day of February, 2013.


Norma Bigbee
Legal Assistant

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(803) 734-3727

February 27, 2013