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Aug 03 2020

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
The Honorable Tanya A. Gee, Circuit Court Judge
Appellate Case No. 2019-002020

In the Matter of the Care and Treatment of Charles T. Sullivan,

Appellant.

**MOTION TO FILE INITIAL BRIEF OF RESPONDENT AND
DESIGNATION OF MATTER OUT OF TIME AND FOR AN ADDITIONAL 30 DAYS
TO RESPOND**

Respondent, State of South Carolina, through its undersigned attorney, would respectfully show as follows:

1. According to the undersigned's records, the Initial Brief of Respondent and Designation of Matter was due to be served and filed on July 29, 2020. Counsel used the 45 day period for responding to initial briefs received from the Commission on Indigent Defense, Appellate Division, because the undersigned understood Appellant's counsel was handling this appeal under the CID umbrella. The due date was confirmed by phone calls to the Court of Appeals Clerk's office.

2. On July 29, 2020, the undersigned filed a Motion for an extension, and indicated Appellant's counsel consented to the requested extension. Prior to that date, the undersigned had received no notice from the Court indicating the Respondent's Initial Brief and Designation of Matter was not timely filed.

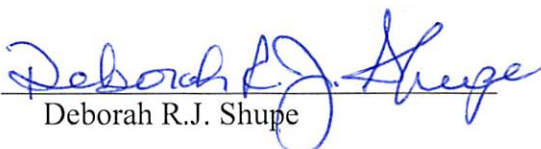
3. The Commission on Indigent Defense's involvement in this appeal is confirmed by the Court's inclusion of Robert Dudek, Chief Appellate Defender, on the deficiency letter and the email sending the deficiency letter to the undersigned.

4. While the undersigned believes the July 29, 2020, date was correct under the circumstances, the undersigned hereby moves to file the Respondent's Initial Brief and Designation of Matter out of time, and for a first thirty day extension of time to file these documents. The undersigned consulted with Appellant's counsel and is authorized to advise the court counsel consents to the requested relief.

Respectfully submitted,

ALAN WILSON
Attorney General

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General

By: 
Deborah R.J. Shupe

ATTORNEYS FOR THE RESPONDENT

August 3, 2020

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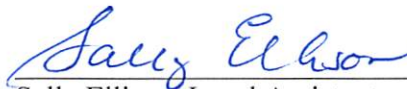
PROOF OF SERVICE

I, Sally Ellison, certify that I have served the Respondent's Motion to File Initial Brief of Respondent and Designation of Matter out Time and for an Additional 30 days to Respond to the address listed in AIS and with a copy of the same to be deposited in the United States mail, postage prepaid, addressed to:

James Falk, Esquire
PO Box 1058
Charleston, SC 29402
(843) 606 6007
jfalklaw@gmail.com

Robert Dudek, Esquire
SCCID
PO Box 11589
Columbia, SC 29211
rdudek@sccid.sc.gov

I further certify that all parties required by Rule to be served have been served this 3rd day of August, 2020.



Sally Ellison, Legal Assistant
Office of the Attorney General
PO Box 11549
Columbia, SC 29211
803-734-3970

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SC Court of Appeals

Sally Ellison

From: Sally Ellison
Sent: Monday, August 3, 2020 1:03 PM
To: 'rdudek@sccid.sc.gov'; 'jfalklaw@gmail.com'; Kellner, Haley
Cc: Deborah Shupe; Sally Ellison
Subject: Emailing: Motion to File Initial Brief of Respondent and DOM Out of Time and for an Additional 30 days (02341450xD2C78).PDF
Attachments: Motion to File Initial Brief of Respondent and DOM Out of Time and for an Additional 30 days (02341450xD2C78).pdf

Good Afternoon:

Attached is a copy of the State's Motion to File Initial Brief and Designation of Matter Out of Time and for an additional 30 days to respond. A copy of this Motion will be filed today through the AIS System and a hard copy of the Motion as indicated on the Proof of Service, will be placed in the US Mail postage pre-paid today.

Please indicate your receipt of this email.

Sally Ellison
Legal Assistant
Criminal Appeals
Office of the SC Attorney General
803-734-4156