

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Calhoun County
Honorable Maite Murphy, Circuit Court Judge
Appellate Case No. 2019-000926

RECEIVED

Aug 27 2020

SC Court of Appeals

THE STATE,

Respondent,

vs.

DERRICK TYLER MILLS,

Appellant.

**MOTION TO SERVE AND FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER
OUT OF TIME**

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 yesterday on August 27, 2020, and the undersigned counsel for the State fully intended to serve and file those documents on the day of the filing deadline. However, because the undersigned counsel was unexpectedly asked to respond to and assist with an urgent matter that arose yesterday, the undersigned counsel was unfortunately not able to complete the Initial Brief of Respondent and Designation of Matter in time to file and serve those documents on the date they were due. Significantly though, the Initial Brief of Respondent and Designation of Matter

have now been completed, and the State is contemporaneously serving and filing those documents with the filing of this motion.

II.

The State respectfully asks this Court to relax the requirements of Rule 208(a)(2) of the South Carolina Appellate Court Rules and permit the State to file the Initial Brief of Respondent and Designation of Matter in this case out of time on the date directly following the date of the filing deadline. 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 sincerely apologizes for any inconvenience this request has caused to the Court, the appellant, and opposing counsel, and the undersigned counsel submits he does not believe this request will result in any prejudice to the appellant should it be granted

WHEREFORE, Respondent prays the Court relax the requirements of Rule 208(a)(2) of the South Carolina Appellate Court Rules; permit Respondent to file and serve the Initial Brief of Respondent and Designation of Matter out of time; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Attorney General

By: 

Mark R. Farthing
S.C. Bar Number 76901

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PROOF OF SERVICE

I, Caroline Collins, certify I have served the within Motion to Serve and File Initial Brief of Respondent and Designation of Matter Out of Time on Appellant by sending an electronic copy via email to the address listed in AIS for the following individual and by mailing copies to:

Tommy A. Thomas, Esq.
Post Office Box 88
Irmo, SC 29063

I further certify all parties required by Rule to be served have been served.
This 27th day of August, 2020.



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

Caroline Collins

From: Caroline Collins
Sent: Thursday, August 27, 2020 4:21 PM
To: 'Tommy Thomas'
Cc: 'Jackie Miller'; William Blitch; Mark Farthing
Subject: The State v. Derrick Tyler Mills (2019-000926)
Attachments: Mills.IBOR (02365241xD2C78).PDF; Mills.Motion to File Out of Time (IBOR) (02365282xD2C78).PDF

Follow Up Flag: Worldox

Good Afternoon Mr. Thomas,

Attached please find a copy of the Initial Brief of Respondent and Designation of Matter in The State v. Derrick Tyler Mills (2019-000926), along with a Motion to Serve and File Initial Brief of Respondent and Designation of Matter Out of Time. These documents will be submitted to the South Carolina Court of Appeals today via the AIS One Drive System. If you would prefer hard copies, please let me know, and I'll be happy to place them in the mail.

If you will, please reply to confirm receipt.

Thank you!

Caroline Collins

Administrative Coordinator
South Carolina Attorney General's Office
P: (803) 734-3723

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