

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Horry County  
Honorable Benjamin H. Culbertson, Circuit Court Judge  
Appellate Case No. 2012-211546

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THE STATE,

Appellant,

RECEIVED

MAR 18 2013

vs.

SC Court of Appeals

MICHAEL J. HILTON,

Respondent.

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**MOTION FOR THIRD EXTENSION OF TIME WITHIN WHICH  
TO SERVE AND FILE INITIAL REPLY BRIEF OF APPELLANT**

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Appellant (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

**I.**

The Initial Reply Brief of Appellant is due to be served and filed on March 18, 2013.

**II.**

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 Appellant moves for a third extension in the above-referenced criminal appeal. Due to work required in other cases pending before the South Carolina Supreme Court and this Court, I am unable to complete this Reply Brief on time. In the past few weeks, the undersigned has participated in oral argument at the Supreme Court in State v. Serria Dawson, State v. Lawrence

Brown, and State v. Myron Samuels, has participated in oral argument at this Court in State v. Robert Steve Jolly, State v. Craig Douglas Keeling, and State v. Daniel Rogers, has submitted Initial Briefs to this Court in State v. Reaves, State v. Hillerby, State v. Parker, State v. Littlejohn, State v. Baxter, and State v. Smith, has submitted Briefs of Respondent to this Court in State v. Hill and State v. Milledge, and has filed a Return to Petition for Certiorari in the Supreme Court in State v. Price.

### III.

This extension request is not intended for purposes of delay, but rather to ensure that the Reply Brief is properly researched and prepared. The undersigned is currently working on the Reply Brief in this case and hopes to have it completed in a timely manner. I would therefore request an extension of time within which to serve and file the Reply Brief.

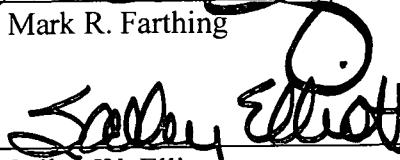
**WHEREFORE**, Appellant prays that the Court extend the deadline for the service and filing of the Initial Reply Brief of Appellant in this case for **ten** (10) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

MARK R. FARTHING  
Assistant Attorney General

By:   
Mark R. Farthing

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March 18, 2013

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**PROOF OF SERVICE**

I, Ellen R. DuBois, certify that I have served the within Motion for Third Extension of Time Within Which to Serve and File Initial Reply Brief of Appellant on Respondent by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Richard A. Harpootlian, Esquire  
Richard A. Harpootlian, PA  
Post Office Box 1090  
Columbia, SC 29202

I further certify that all parties required by Rule to be served have been served.  
This 18th day of March, 2013.

*Ellen R. DuBois*

ELLEN R. DuBOIS  
Legal Assistant

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