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Oct 13 2020

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Richland County
The Honorable Deandra G. Benjamin, Circuit Court Judge

Appellate Case No: 2019-001796

THE STATE,

Respondent,

vs.

JOE LEWIS BUSBY ,

Appellant.

**PETITION TO RELAX RULE 208(a)(2) SCACR, AND RULE 209(a) SCACR
AND MOTION FOR A FIRST EXTENSION**

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

I.

The Initial Brief of Respondent and Designation of Matter were due to the Court on October 12, 2020. However, due to a calendaring error, counsel for the State failed to file its Initial Brief of Respondent and Designation of Matter on October 12, 2020.

II.

As a result of the calendaring error, the State respectfully asks this Court to relax the requirements of Rule 208(a)(2) 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 its Initial Brief 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.”). Due to work required in other cases pending before this Court and the South Carolina Supreme Court, I am unable to complete this Initial Brief on time. I would therefore request an extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

III.

This motion for extension is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared.

WHEREFORE, Respondent prays that the Court will relax the requirements of 208(a)(2) SCACR and 209(a) SCACR and permit the filing of this motion for a first extension for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

David Spencer
Senior Assistant Attorney General

BY: s/David Spencer
David Spencer
S. C. Bar No: 68571

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ATTORNEYS FOR RESPONDENT

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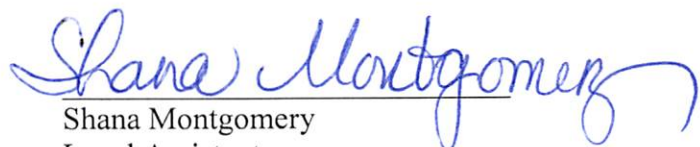
Appellant.

PROOF OF SERVICE

I, Shana Montgomery, certify that I have served the Petition to Relax Rule 208(a)(2) SCACR and 209(a) SCACR and Motion for First Extension on Appellant by electronic mail at the address listed in AIS to the attorney of record:

Joanna Delany, Esquire
SC Commission on Indigent Defense
Office 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 13th day of October, 2020.



Shana Montgomery
Legal Assistant

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