

**RECEIVED**

**Feb 24 2021**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal From Lexington County  
Honorable Eugene C. Griffith, Circuit Court Judge

Appellate Case No: 2020-00336

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THE STATE,

Respondent,

vs.

DAVID L. STEADMAN,

Appellant.

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

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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 January 28, 2021. Our office drafted an e-mail request for an extension of time on January 28, 2021. However, while the e-mail was sent that day to opposing counsel and our Victim Services addresses, we neglected to include this Court's address designated for extension requests. We have attached the original aforementioned e-mail. Undersigned counsel apologizes to the Court for counsel's oversight.

II.

As a result of an 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:   
David Spencer  
S. C. Bar No: 68571

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

ATTORNEYS FOR RESPONDENT

February 24, 2021

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal From Lexington County  
Honorable Eugene C. Griffith, Circuit Court Judge

Appellate Case No: 2020-000336

THE STATE,

Respondent,

vs.

DAVID L. STEADMAN,

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 via electronic mail to the address listed by counsel in AIS, addressed to his attorney of record:

Adam S. Ruffin, Esquire  
SC Commission of Indigent Defense  
Appellate Defense  
Post Office Box 11589  
Columbia, SC 2911

I further certify that all parties required by Rule to be served have been served.  
This 24<sup>th</sup> day of February, 2021.



Shana Montgomery  
Legal Assistant  
Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

## **Shana Montgomery**

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**From:** Shana Montgomery  
**Sent:** Thursday, January 28, 2021 3:06 PM  
**To:** Stock, Chris; Ruffin, Adam  
**Cc:** Shana Montgomery; David Spencer; Caroline Collins; Victim Services  
**Subject:** State V. Steadman ; Appellate Case No. 2020-000336; First Extension Request (IBOR)

**Follow Up Flag:** Worldox

January 28, 2021

The Honorable Jenny A. Kitchings  
Clerk of Court, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia South Carolina 29211

**RE:** The State v. David L. Steadman  
Appellate Case No: **2020-000336**

Dear Ms. Kitchings:

The Initial Brief of Respondent and Designation of Matter in the above appeal are due to be served and filed today. I would respectfully request an extension in which to serve and file the brief. This is my first request for an extension in this matter.

This extension request is not intended for the purpose of delay, but is necessitated by my heavy workload.

Sincerely,

David Spencer  
Senior Assistant Attorney General  
S.C. Bar No: 15608

Shana Montgomery  
Legal Assistant  
Criminal Appeals Section  
SC Attorney General's Office  
PO Box 11549  
Columbia, SC 29211-1547  
Phone 803-734-7239  
Fax 803-734-4113  
smontgomery@scag.gov

## **Shana Montgomery**

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**From:** Shana Montgomery  
**Sent:** Wednesday, February 24, 2021 12:53 PM  
**To:** Ruffin, Adam; Leverett, Scott  
**Cc:** Shana Montgomery; David Spencer; William Blitch; COAextensions@sccourts.org  
**Subject:** STEADMAN David L ; Appellate Case No. 2020-000336; Petition to Relax and First Extension Motion (02498783.PDF;1).PDF  
**Attachments:** 02498783.PDF

Good Afternoon,

Attached please find a copy of the Petition To Relax and Motion For A First Extension for State V. Steadman (2020-336). Please confirm receipt. This motion will be submitted to the South Carolina Court of Appeals today via the AIS One Drive System. Please don't hesitate to contact us should you have any questions or concerns.

Thank You.

Shana Montgomery  
Legal Assistant  
Office Of The Attorney General  
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Columbia, South Carolina 29211  
803-734-7239