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Feb 26 2021
SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHESTERFIELD COUNTY
Court of General Sessions
The Honorable Paul M. Burch, Circuit Court Judge

Appellate Case No. 2019-001274

THE STATE,RESPONDENT,

v.

JAMES DAVID BUSBY,APPELLANT.

**MOTION TO FILE OUT OF TIME RESPONDENT'S
MOTION FOR A THIRD EXTENSION OF TIME
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTER**

Respondent (“the State”), 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 be served and filed on February 5, 2021, pursuant to a previous extension granted by the Court.

II.

Respondent drafted a motion for a third extension in this matter and served it on opposing counsel, but apparently failed to properly submit it to this Court via electronic filing. The undersigned counsel regrets this oversight.

III.

Appellant has been diligently working on the Initial Brief of Respondent in this matter, ensuring it is properly researched and prepared.

WHEREFORE, based on the foregoing, Respondent moves the Court to grant its request to allow filing of Respondent's motion for a third extension of time, accept the motion as filed, and treat the extension as granted on the day the original motion was due.

Respectfully submitted,

ALAN WILSON
Attorney General

WILLIAM F. SCHUMACHER, IV
Assistant Attorney General

By:  _____

FOR WFS

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

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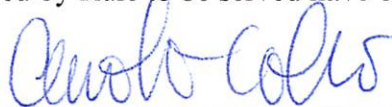
JAMES DAVID BUSBY,APPELLANT.

PROOF OF SERVICE

I, Caroline Collins, certify that I have served the within Motion to File Out of Time the Motion for Third Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant a copy, via email listed with AIS and the South Carolina Bar. Additionally, a physical copy of the same was mailed to:

Elizabeth Franklin-Best
Elizabeth Franklin-Best, P.C.
2725 Devine Street
Columbia, South Carolina 29205
(803) 331-3421

I further certify that all parties required by Rule to be served have been served this 26th day of February, 2021.



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: Friday, February 26, 2021 12:59 PM
To: elizabeth@franklinbestlaw.com
Cc: William Blich; Bill Schumacher
Subject: The State v. James David Busby (2019-001274)
Attachments: BUSBY James - Motion to File Out of Time Motion for Third Extension - 2019-001274 (02500520xD2C78).PDF; BUSBY James - Motion for Third Extension to serve and file IBOR - 2019-001274 (02483977xD2C78).PDF

Good Afternoon Ms. Franklin-Best,

Attached please find a Motion to File Out of Time Respondent's Motion for Third Extension of Time to Serve and File the Initial Brief of Respondent and Designation of Matter in The State v. James David Busby (2019-001274). This motion will be submitted to the Court of Appeals today via the AIS One Drive System. Out of an abundance of caution, I'm also attaching a copy of the Motion that was served on your office via email February 5, 2021, which will be submitted to the Court via AIS One Drive System today as well. In addition to this email, hard copies will be placed in today's mail.

If you will, please reply to this email to confirm receipt.

Thank you!

Caroline Collins

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