

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

**RECEIVED**

APR 26 2013

**SC Court of Appeals**

Appeal from Charleston County  
Honorable William Jeffrey Young, Circuit Court Judge  
Appellate Case Tracking No. 2012-211729

The State,

Respondent,

vs.

Keith Gadsden,

Appellant.

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

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 be served and filed on April 24, 2013. However, due to an oversight, and then the undersigned being out of the office on sick leave, the motion for a third extension was not timely filed. The undersigned asks this Court to accept this Motion for an Extension out of time.

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 Respondent moves for a third extension in the above referenced appeal to serve and file the Initial Brief of Respondent and Designation of

Matter. Due to work required in other cases pending before this Court and the South Carolina Court of Appeals, I am unable to complete this Brief on time. The undersigned has completed briefs in State v. Taylor, State v. Jones, State v. Wright, and State v. Altman. Additionally, the undersigned completed a Return to the Petition for Writ of Certiorari in State v. Samuel. The undersigned is also working on a Return to the Petition for Writ of Certiorari filed in the United States Supreme Court in the case of State v. Phillips. Further, the undersigned has participated in oral argument at the Court of Appeals in State v. Henkel, State v. Rogers, State v. Blakely, State v. Wright, State v. Carter, and State v. Collington, and in the Supreme Court in In the Matter of the Care and Treatment of Simmons, State v. Middleton, In Re: Resean L., and State v. Hercheck. Additionally, the undersigned has missed several days of work while out on sick leave.

III.

This extension request is not intended for purposes of delay, but rather to ensure the Initial Brief is properly researched and prepared. I would therefore request a third extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

WHEREFORE, Respondent prays that the Court hold this matter in abeyance until ruling on this motion, and extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty (30) 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

WILLIAM M. BLITCH, JR.  
Assistant Attorney General

*for Deborah R. G. Hays*  
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ATTORNEYS FOR RESPONDENT

April 26, 2013

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**PROOF OF SERVICE**

I, Ellen R. DuBois, certify that I have served the Motion Out of Time for Extension to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by depositing a copy of same in the United States mail, postage prepaid, addressed to:

Susan B. Hackett, Esquire  
South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, South Carolina 29211

I further certify that all parties required by Rule to be served have been served.

This 26<sup>th</sup> day of April, 2013.

*Ellen R. DuBois*

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