

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
JUN 25 2013
SC Court of Appeals

Appeal from York County
Honorable John C. Hayes, III, Circuit Court Judge
Appellate Case Tracking No. 2009-147686

The State,

Respondent,

vs.

Jermaine T. Fuller,

Appellant.

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

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 June 12, 2013. However, due to an oversight, and subsequent personnel changes, the Initial Brief of Respondent and Designation of Matter were not timely served and filed.

II.

The Initial Brief of Respondent and Designation of Matter are being served and filed concurrent with this motion. The undersigned does not believe the delay will cause Appellant any prejudice. In view of the foregoing, it is respectfully requested this Court

allow the State to serve and file the Initial Brief of Respondent and Designation of Matter out of time.

WHEREFORE, Respondent prays that the Court allow service and filing of the Initial Brief of Respondent and Designation of Matter out of time; 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



WILLIAM M. BLITCH, JR.
Assistant Attorney General
S.C. Bar No. 15608

Office of the Attorney General
Post Office Box 11549
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ATTORNEYS FOR RESPONDENT

June 25, 2013

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PROOF OF SERVICE

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

David Alexander, 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 25th day of June, 2013.

Ellen R. DuBois

ELLEN R. DuBOIS
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

June 25, 2013

VIA HAND DELIVERY

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

Re: State v. Jermaine T. Fuller
Appellate Case Tracking No. 2009-147686

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of a Motion to Serve and File Initial Brief of Respondent and Designation of Matter Out of Time along with proof of service for filing in the above-referenced appeal.

Sincerely,

William M. Blich, Jr.
Assistant Attorney General
S.C. Bar No. 15608

Enclosures

cc: David Alexander, Esquire
Victim Services

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