

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Spartanburg County  
The Honorable J. Mark Hayes, II, Circuit Court Judge  
Appellate Case Tracking No. 2022-000358

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The State,

Respondent,

vs.

Wesley Ray Kyzer,

Appellant.

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**MOTION TO SERVE AND FILE  
FINAL BRIEF OF RESPONDENT OUT OF TIME**

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

I.

Due to confusion regarding the cure of deficiencies in the Record on Appeal, the undersigned failed to properly calendar the due date and seek an extension or serve and file the Final Brief of Respondent by February 5, 2024. The Final Brief of Respondent is being served and filed contemporaneously with this motion. As a result, the undersigned does not believe Appellant has suffered any prejudice as the undersigned could have obtained an additional extension.

II.

This request is not intended for purposes of delay, but rather allowed the undersigned to ensure that the Final Brief of Respondent is properly prepared, served, and filed.

WHEREFORE, Respondent prays that the Court accept service and filing of the Final Brief of Respondent out of time; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

AMBREE M. MULLER  
Assistant Attorney General

By: 

Ambree M. Muller  
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(803) 734-3727

February 12, 2024

**RECEIVED**

**Feb 12 2024**

**SC Court of Appeals**

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**PROOF OF SERVICE**

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I, Grace Sommer, certify that I have served the within Motion to Serve and File Final Brief of Respondent Out of Time on Appellant by having copies electronically delivered to:

C. Rauch Wise  
305 Main St.  
Greenwood, SC 29646  
[rauchwise@gmail.com](mailto:rauchwise@gmail.com)

I further certify that all parties required by Rule to be served have been served.  
This 12<sup>th</sup> day of February, 2022.



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GRACE SOMMER  
Legal Assistant  
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(803) 734-3727