

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECORDED  
SEP 9 0 2013  
SC Court of App

Appeal from Chesterfield County  
Honorable Paul M. Burch, Circuit Court Judge  
Appellate Case Tracking No. 2012-212324

The State,

Respondent,

vs.

James C. Tyner,

Appellant.

**MOTION FOR THIRD EXTENSION WITHIN WHICH  
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT**

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

I.

The Initial Brief of Respondent is due to be served and filed today.

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. Due to work required in other cases pending before this Court and the South Carolina Supreme Court, I am unable to complete this brief on time. The undersigned has completed briefs in In the Interest of Tairy G., State v. Perry, State v. Odom, State v. Hewins, and State v. Vice. The undersigned has completed Returns to the

Petition for Writ of Certiorari in State v. Barton and State v. Dumas. The undersigned completed a Petition for Writ of Certiorari in State v. Henkel.

III.

This extension request is not intended for purposes of delay, but rather to ensure the 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.


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 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

  
SALLEY W. ELLIOTT  
Senior Assistant Deputy Attorney General

  
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ATTORNEYS FOR RESPONDENT

September 20, 2013

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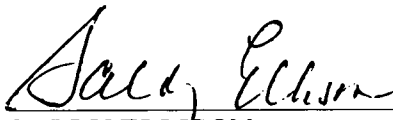
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**PROOF OF SERVICE**  
\_\_\_\_\_

I, Sally Ellison, certify that I have served the Motion For Third Extension Of Time Within Which To Serve And File Initial Brief of Respondent on Appellant by depositing a copy of same in the United States mail, postage prepaid, addressed to:

Carmen V. Ganjehsani, Esquire  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, SC 29211

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

This 20<sup>th</sup> day of September, 2013.



\_\_\_\_\_  
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