

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Barnwell County

The Honorable Doyet A. Early, III, Circuit Court Judge

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SC Court of Appeals

STATE OF SOUTH CAROLINA,

Respondent,

v.

ERIC VANCLEAVE,

Appellant.

**RESPONDENT'S MOTION TO FILE OUT OF TIME AND
FOR EXTENSION OF TIME WITHIN WHICH TO FILE
INITIAL BRIEF AND DESIGNATION OF MATTER**

The Initial Brief of Respondent and Designation of Matter were due to be served and filed on October 23, 2013. For the reasons set forth below, Respondent hereby moves to file those documents out of time, and for a thirty day extension within which to file them.

The due date for the Initial Brief and Designation was inadvertently calendared incorrectly. Further, counsel has a heavy workload and has been absent from the office due to illness.

The Attorney General's Office communicated with opposing counsel, and advised him regarding this Motion and the relief sought.

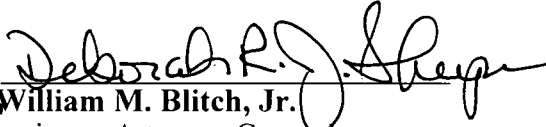
Based on the foregoing, Respondent respectfully requests to file the Initial Brief of Respondent and Designation of Matter in the above captioned case out of time, and for a thirty day extension of time within which to file them. This is the first extension request at this stage of the case. Respondent further requests that all deadlines be held in abeyance pending resolution of this motion.

Respectfully submitted,

ALAN WILSON
Attorney General

WILLIAM M. BLITCH, JR.
Assistant Attorney General

P.O. Box 11549
Columbia, S.C. 29211
(803) 734-3727

By: 
per William M. Blitch, Jr.
Assistant Attorney General

Attorneys for the Respondent

Columbia, South Carolina

November 1, 2013.

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Barnwell County

The Honorable Doyet A. Early, III, Circuit Court Judge

STATE OF SOUTH CAROLINA,

Respondent,

v.

ERIC VANCLEAVE,

Appellant.

PROOF OF SERVICE

I, Sally B. Ellison, certify I served the within Motion to File Out of Time and for Extension of Time to File Initial Brief of Respondent and Designation of Matter by depositing a copy in the United States mail, postage prepaid, addressed to:

Robert T. Williams, Sr. Esquire
Benjamin A. Stitely, Esquire
Williams, Hendrix, Steigner & Brink, P.A.
PO Box 849
Lexington, SC 29071

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

This 1st day of November, 2013.



SALLY B. ELLISON
Legal Assistant

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



ALAN WILSON
ATTORNEY GENERAL

November 1, 2013

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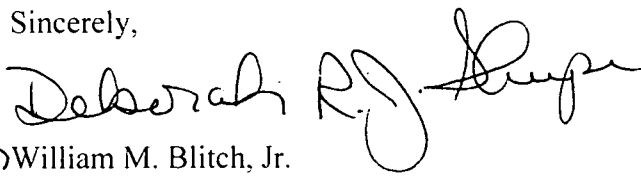
Robert T. Williams, Sr. Esquire
Benjamin A. Stitely, Esquire
Williams, Hendrix, Steigner & Brink, P.A.
PO Box 849
Lexington, SC 29071

Re: State v. Eric VanCleave
Appellate Case No. 2013-000748

Dear Counsel:

Enclosed herewith and served upon you is a copy of Respondent's Motion to File Out of Time and for Extension to File Initial Brief of Respondent and Designation of Matter, with proof of service, in the above-referenced case.

Sincerely,


for William M. Blich, Jr.
Assistant Attorney General

Enclosures

cc: The Honorable Jenny Abbott Kitchings (original and 1 copy enclosed)
Victim Services (with enclosure)