



ALAN WILSON  
ATTORNEY GENERAL

December 9, 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. Darrell Lee Birch  
Appellate Case Tracking No. 2012-213215

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of a Motion For Third Extension Of Time Within Which To Serve And File Initial Brief of Respondent along with proof of service for filing in the above-referenced appeal.

Sincerely,

William M. Blich, Jr.  
Assistant Attorney General

Enclosures

cc: Carmen V. Ganjehsani, Esquire  
Victim Services

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DEC 09 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Marion County  
Honorable William H. Seals, Jr., Circuit Court Judge  
Appellate Case Tracking No. 2012-213215

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The State,

Respondent,

vs.

Darrell Lee Birch,

Appellant.

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

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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 several initial briefs, Returns to Petition for Writ of Certiorari, and Petitions for Writ of Certiorari in the last several weeks. Counsel

participated in oral argument last week in the South Carolina Supreme Court. In addition, counsel is preparing for oral argument tomorrow at this Court.

III.

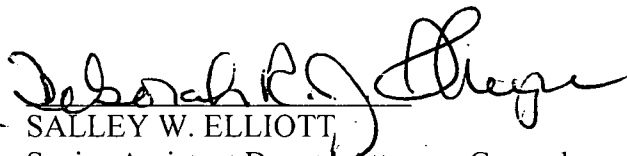
This extension request is not intended for purposes of delay, but rather to ensure the Brief is properly researched and prepared. I would therefore request a third extension of time within which to serve and file the Initial Brief of Respondent.

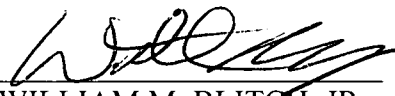
WHEREFORE, Respondent prays that the Court hold this matter in abeyance until ruling on this motion, and extend the deadline for the service and filing of the Initial Brief of Respondent in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

WILLIAM M. BLITCH, JR.  
Assistant Attorney General

for   
SALLEY W. ELLIOTT  
Senior Assistant Deputy Attorney General

  
WILLIAM M. BLITCH, JR.  
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ATTORNEYS FOR RESPONDENT

December 9, 2013

STATE OF SOUTH CAROLINA

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Appeal from Marion County  
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**PROOF OF SERVICE**

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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 9<sup>th</sup> day of December, 2013.



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