

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APR 21 2014

**SC Court of Appeals**

Appeal from York County  
Honorable Lee S. Alford, Circuit Court Judge  
Appellate Case Tracking No. 2012-213281

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City of Fort Mill,

Appellant,

vs.

Colin Duane Fitzgerald,

Respondent.

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

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

**I.**

The Final Brief of Appellant was due to be served and filed on or before April 1, 2014. After serving and filing the Record on Appeal, the undersigned failed to calendar the Final Brief's due date.

**II.**

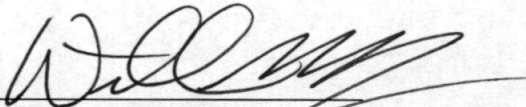
The Final Brief of Appellant is being served and filed concurrent with this motion. In view of the foregoing, it is respectfully requested this Court allow the Appellant to serve and file the Final Brief of Appellant out of time.

WHEREFORE, Appellant respectfully requests the Court allow the service and filing of the Final Brief of Appellant out of time.

Respectfully submitted,

ALAN WILSON  
Attorney General

WILLIAM M. BLITCH, JR.  
Assistant Attorney General

BY: 

William M. Blitch, Jr.  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR APPELLANT

April 21, 2014

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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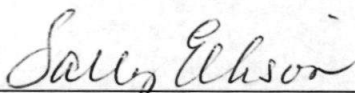
**PROOF OF SERVICE**

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I, Sally Ellison, certify that I have served the within Motion to Serve and File Final Brief of Appellant Out of Time on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

J. Tyler Burns, Esquire  
Post Office Box 1297  
Ft. Mill, South Carolina 29716

I further certify that all parties required by Rule to be served have been served.  
This 21<sup>st</sup> day of April, 2014.

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



ALAN WILSON  
ATTORNEY GENERAL

April 21, 2014

**VIA HAND DELIVERY**

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

Re: City of Fort Mill v. Colin Fitzgerald  
Appellate Case Tracking Number 2012-213281

Dear Ms. Kitchings:

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

Sincerely,

William M. Blich, Jr.  
Assistant Attorney General

Enclosures

cc: J. Tyler Burns, Esquire  
Victim Services

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