

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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MAY 23 2014
SC Court of Appeals

Appeal from Union County
Honorable John C. Hayes, III, Circuit Court Judge
Appellate Case Tracking No. 2013-000435

The State,

Respondent,

vs.

Stephen Douglas Berry,

Appellant.

**MOTION FOR THIRD EXTENSION
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTER**

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

I.

The Initial Brief of Respondent and Designation of Matter are due to be served and filed May 23, 2014.

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 including State v. Lorusso, State v. Smith, State v. Anderson, and State v. Williams, Petitions for Writ of Certiorari, Brief of Petition in State v. Kinloch, and a Brief of Respondent in State v. Wright in the last

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several weeks. In addition, counsel has participated in oral arguments at this Court and the South Carolina Supreme Court in State v. Collins, State v. Tyner, and State v. Odom.

III.

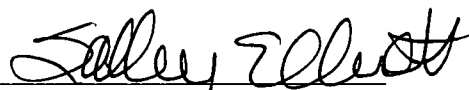
This extension request is not intended for purposes of delay, but rather to ensure the Brief is properly researched and prepared. I would therefore request a third extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

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 and Designation of Matter 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. Elliot
Senior Assistant Deputy Attorney General



William M. Blitch, Jr.
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ATTORNEYS FOR RESPONDENT

April 22, 2014

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Appeal from Union County
Honorable John C. Hayes, III, Circuit Court Judge
Appellate Case Tracking No. 2013-000435

The State,

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PROOF OF SERVICE

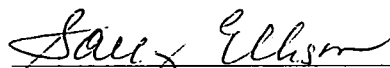
I, Sally Ellison, certify that I have served the Motion for Third Extension to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by depositing a copy of same in the United States mail, postage prepaid, addressed to:

League B. Creech, Esquire
Peters, Murdaugh, Parker, Elzroth & Detrick, PA
Post Office Box 457
Hampton, South Carolina 29924

Robert M. Dudek, Esquire
Chief Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29211

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

This 23rd day of May, 2014.



SALLY ELLISON
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

May 23, 2014

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

Re: State v. Stephen Douglas Berry
Appellate Case Tracking No. 2013-000435

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of a Motion for Third Extension to Serve and File Initial Brief of Respondent and Designation of Matter along with proof of service for filing in the above-referenced appeal.

Sincerely,

William M. Blich, Jr.
Assistant Attorney General

Enclosures

cc: League B. Creech, Esquire
Robert M. Dudek, Esquire
Victim Services

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