

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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OCT 17 2014

Appeal from Richland County
Honorable R. Knox McMahon, Circuit Court Judge
Appellate Case Tracking No. 2012-212947

SC Court of Appeals

The State,

Respondent,

vs.

Zinah D. Jennings,

Appellant.

**MOTION TO SERVE AND FILE
INITIAL BRIEF OF RESPONDENT OUT OF TIME**

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

I.

The Initial Brief of Respondent was due to be served and filed October 15, 2014.

II.

The undersigned operated under an assumption he would be able to complete the brief by the October 15 deadline. However, as a result of having five oral arguments in the last two weeks, including one on October 15, the undersigned failed to fully complete the brief by its due date. Additionally, the undersigned was out of the office on October 16 due to illness and, therefore, could not serve and file the brief until October 17.

III.

The undersigned requests this Court allow the Initial Brief to be served and filed out of time. The Initial Brief of Respondent is being served and filed concomitant with

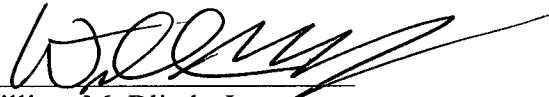
this motion so no further delay will occur. The undersigned asks this Court to accept the Initial Brief as filed.

WHEREFORE, Respondent prays that the Court hold this matter in abeyance until ruling on this motion, allow the service and filing of the Initial Brief of Respondent out of time, and accept the Initial Brief submitted with this motion as filed; 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



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

ATTORNEYS FOR RESPONDENT

October 17, 2014

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PROOF OF SERVICE

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

David Alexander, 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 17th day of October, 2014.



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



ALAN WILSON
ATTORNEY GENERAL

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October 17, 2014

SC Court of Appeals

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. Zinah D. Jennings
Appellate Case Tracking No. 2012-212947

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of a Motion to Serve and File Initial Brief of Respondent 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: David Alexander, Esquire
Victim Services

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