

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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DEC 15 2014

SC Court of Appeals

Appeal from Beaufort County
Honorable Kristi Lea Harrington, Circuit Court Judge
Appellate Case Tracking No. 2013-002158

The State,

Respondent,

vs.

Gerald Barrett,

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 December 15, 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. Further, the undersigned has been out of the office for several weeks and was hospitalized with an illness that prevents the undersigned from being in the office on a regular basis.

III.

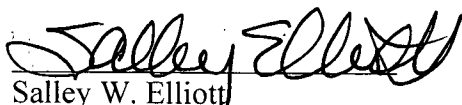
This extension request is not intended for purposes of delay, but rather to ensure the Brief is properly researched and prepared. I would therefore request a third extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

WHEREFORE, Respondent asks 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. Elliott
Senior Assistant Deputy Attorney General



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(803) 734-3727

ATTORNEYS FOR RESPONDENT

December 15, 2014

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PROOF OF SERVICE

I, ELLEN R. DuBOIS, 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:

David Alexander, Esquire
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 15th day of December, 2014.

Ellen R. DuBois

ELLEN R. DuBOIS
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

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SC Court of Appeals

December 15, 2014

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

Re: State v. Gerald Barrett
Appellate Case Tracking No. 2013-002158

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: David Alexander, Esquire
Victim Services