

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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JAN 15 2015

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 TO SERVE AND FILE
INITIAL BRIEF OF RESPONDENT AND
DESIGNATION OF MATTER OUT OF TIME**

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

I.

The Initial Brief of Respondent and Designation of Matter were due to be served and filed January 14, 2015.

II.

The undersigned was unable to complete the Brief and have it served and filed as intended on January 14. The undersigned believed the Brief would be timely completed so no extension request was filed. Unfortunately, the undersigned was not able to timely complete the Brief to have it served and filed on January 14 and asks this Court permission to serve and file the Brief out of time.

III.

This request is not intended for purposes of delay. The Brief is being served and filed along with this Motion, and the undersigned asks this Court to accept the Brief as being served and filed.

WHEREFORE, Respondent asks the Court hold this matter in abeyance until ruling on this motion, allow the State to serve and file the Initial Brief of Respondent and Designation of Matter out of time; accept the Initial Brief of Respondent and Designation of Matter as being served and filed with this motion; 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. Blich, Jr.
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

January 15, 2015

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PROOF OF SERVICE

I, Sally Ellison, certify that I have served the Motion to Serve and File Initial Brief of Respondent and Designation of Matter Out of Time 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 January, 2015.



SALLY ELLISON

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



ALAN WILSON
ATTORNEY GENERAL

January 15, 2015

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 to Serve and File Initial Brief of Respondent and Designation of Matter 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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