

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

JUN 01 2015

Appeal from Richland County
Honorable Clifton Newman, Circuit Court Judge
Appellate Case Tracking No. 2013-002524

SC Court of Appeals

The State,

Respondent,

vs.

Alan Dale Smith,

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 on May 28, 2015.

II.

The undersigned attempted to complete the brief in a timely manner but was unable to have it completed. The undersigned then was out of the office due to illness and failed to timely serve and file the Initial Brief of Respondent and Designation of Matter. The Initial Brief and Designation of Matter are being served and filed concomitant with this motion.

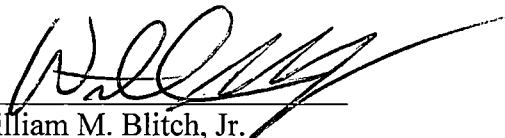
WHEREFORE, Respondent asks the Court hold this matter in abeyance until ruling on this motion; allow the State to serve and file the Initial Brief of Respondent and

Designation of Matter out of time; accept the Initial Brief and Designation of Matter 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

June 1, 2015

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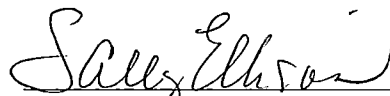
PROOF OF SERVICE

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:

Kathrine H. Hudgins, Esquire
S.C. 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 1st day of June, 2015.



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



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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

June 1, 2015

HAND-DELIVERY

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

Re: The State v. Alan Dale Smith
Appellate Case Tracking No. 2013-002524

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. Blitch, Jr.
Assistant Attorney General

Enclosures

cc: Kathrine H. Hudgins, Esquire
Victim Services