

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Oconee County
Honorable R. Lawton McIntosh, Circuit Court Judge
Appellate Case No. 2013-001895

4th RTB
1/21/15
2/20/15
RECEIVED

JAN 21 2015

SC Court of Appeals

The State

Respondent,

v.

James Richard Bartee,

Appellant.

**MOTION FOR FOURTH 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 January 21, 2015.

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 fourth extension in the above referenced appeal. Due to medical issues and 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 been having medical issues which have required significant time out of the office. The undersigned is currently undergoing tests in an attempt to find a diagnosis, which has been elusive. In order to conduct the tests, I have

to be off all medication which previously has kept the symptoms at a minimum. I expect the symptoms to again result in significant time out of the office over the next several weeks. Further, the undersigned has been attempting to get work done while out of the office and during the time in the office and has completed several briefs and other filings with both this Court and the Supreme Court.

III.

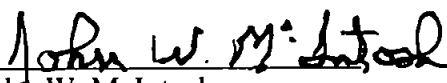
This extension request is not intended for purposes of delay, but rather to ensure the Brief is properly researched and prepared. Based on the extraordinary circumstances presented by the undersigned's medical conditions and significant amount of time out of the office, I would therefore request a fourth extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

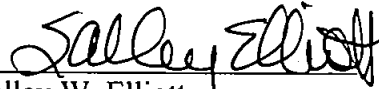
WHEREFORE, Respondent asks the Court hold this matter in abeyance until ruling on this motion, and extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

WILLIAM M. BLITCH, JR.
Assistant Attorney General


John W. McIntosh
Chief Deputy Attorney General



Salley W. Elliott
Senior Assistant Deputy Attorney General



William M. Blich, Jr.
Office of the Attorney General
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ATTORNEYS FOR RESPONDENT

January 21, 2015

STATE OF SOUTH CAROLINA
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JAN 21 2015

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Honorable R. Lawton McIntosh, Circuit Court Judge
Appellate Case No. 2013-001895

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The State

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v.

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Appellant.

PROOF OF SERVICE

I, Sally Ellison, certify that I have served the Motion for Fourth 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:

Jack B. Swerling, Esquire
1720 Main Street
Columbia, South Carolina 29201

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

This 21st 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

RECEIVED

JAN 21 2015

SC Court of Appeals

January 21, 2015

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

Re: State v. James Bartee
Appellate Case Tracking No. 2013-001895

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of a Motion for Fourth 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: Jack B. Swerling, Esquire
Victim Services