

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

AUG 31 2015

SC Court of Appeals

Appeal from Richland County  
Honorable G. Thomas Cooper, Circuit Court Judge  
Appellate Case Tracking No. 2014-002358

The State,

Respondent,

vs.

John Henry Dial, Jr.,

Appellant.

**MOTION FOR SECOND EXTENSION  
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT  
AND DESIGNATION OF MATTER**

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

I.

The Initial Brief of Respondent and Designation of Matter are due to be served and filed August 31, 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 second 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. The undersigned has completed several briefs, Returns to Petition for Writ of Certiorari, and Petitions for Rehearing in the last several weeks.

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 second extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.


WHEREFORE, Respondent prays that 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

BY:



William M. Blitch, Jr.

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

ATTORNEYS FOR RESPONDENT

August 31, 2015

STATE OF SOUTH CAROLINA

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The State,

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Appellant.

**PROOF OF SERVICE**

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

Robert W. Mills, Esquire  
1728 Main Street  
Columbia, South Carolina 29201

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

This 31<sup>st</sup> day of August, 2015.



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



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AUG 31 2015

SC Court of Appeals

ALAN WILSON  
ATTORNEY GENERAL

August 31, 2015

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

Re: State v. John Henry Dial, Jr.  
Appellate Case Tracking No. 2014-002483

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of a Motion for Second 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: Robert W. Mills, Esquire  
Victim Services