

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
Edward Cottingham, Circuit Court Judge

2011-GS-32-1255, 2011-GS-32-1257
Case No. 2011198266

STATE OF SOUTH CAROLINA,

Respondent,

v.

WILLIAM MARK BROCKMEYER,

Appellant

**MOTION TO ALLOW FILING INITIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTER OUT OF TIME**

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The Respondents, above-named, hereby make a motion to this Court to extend the time for filing the Initial Brief of Respondent and Designation of Matter from November 5, 2012 until November 8, 2012. The Respondent has spoken with opposing counsel Robert Dudek concerning that matter who has advised that he has no objection. The Respondents are filing the Initial Brief of Respondent and designation of matter contemporaneous with the filing of this motion. This request is due to the length of the record on appeal, intervening business events in state and federal court. Respondent's counsel submits that it had diligently sought to complete the matter by midnight Monday November 5, 2012 when the matter was due, working well beyond midnight on that date. The brief was completed for filing on November 8, 2012. This further delay

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was due to unexpected intervening events related to other matters, including unexpected absences due to the election issues. Throughout this time, up to this moment, below signed counsel has been attempting to exclusively complete this brief and attempted to keep opposing counsel advised. If further information is necessary, counsel will advise.

Wherefore Respondents respectfully request leave of Court to allow this filing on November 8, 2012.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

ATTORNEYS FOR RESPONDENT

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November 8, 2012

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CERTIFICATE OF SERVICE

I, Donald J. Zelenka, hereby certify that I have served Respondents *Motion to Allow*

Filing Initial Brief of Respondent on:

Robert M. Dudek, Esquire
Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201

Miles E. Coleman, Esq.
Nelson Mullins Riley and Scarborough, LLP
P. O. Box 11070
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by depositing a copy in the Mail with sufficient postage this 8th day of November, 2012.


DONALD J. ZELENSKA

Senior Assistant Deputy Attorney General