

3rd REB del 2/2/17

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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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FEB 02 2017

SC Court of Appeals

Appeal from Lancaster County
Honorable D. Craig Brown, Circuit Court Judge
Honorable G. Thomas Cooper, Jr., Circuit Court Judge
Appellate Case Tracking No. 2015-001934

The State,

Respondent,

vs.

Allen Wesley Massey,

Appellant.

**MOTION FOR THIRD 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 today. However, due to work currently pending before this Court and the South Carolina Supreme Court, I am unable to complete the brief.

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 third extension in the above referenced appeal. The undersigned is currently working on this Brief and will have it completed in a timely manner. However, 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 filed several Returns to Petition for Certiorari in cases in the South Carolina Supreme. Additionally, the undersigned has filed Briefs in several cases in which deadlines were before the current appeal. Finally, the undersigned participated in oral arguments before the South Carolina Court of Appeals and the South Carolina Supreme Court.

III.

This extension request is not intended for purposes of delay, but rather to ensure the Brief is properly researched and prepared. The undersigned anticipates completing the Brief without need for any further extensions. I would, therefore, request a third 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



J. Benjamin Aplin
Senior Assistant Deputy Attorney General



William M. Blich, Jr.
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

February 2, 2017

STATE OF SOUTH CAROLINA

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Honorable D. Craig Brown, Circuit Court Judge
Honorable G. Thomas Cooper, Jr., Circuit Court Judge
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SC Court of Appeals

The State,

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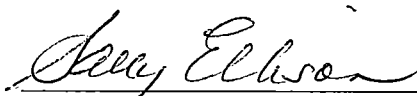
PROOF OF SERVICE

I, Sally Ellison, certify that I have served the Motion Out of Time for Third 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:

John H. Strom, 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 2nd day of February, 2017.



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

February 2, 2017

VIA HAND DELIVERY

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

Re: State v. Allen W. Massey
Appellate Case Tracking No. 2015-001934

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of a Motion for Third 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: John H. Strom, Esquire
Victim Services