

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED

Appeal from Laurens County
Honorable Donald B. Hocker, Circuit Court Judge
Appellate Case Tracking No. 2015-002206

FEB 23 2017

SC Court of Appeals

The State,

Respondent,

vs.

Timothy Artez Pulley,

Appellant.

**MOTION OUT OF TIME FOR EXTENSION
WITHIN WHICH TO SERVE AND FILE
INITIAL BRIEF OF RESPONDENT**

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

I.

The Initial Brief of Respondent and Designation of Matter were previously due to be served and filed. Due to a failure by the undersigned to calendar the due date and a subsequent misplacement of the file, the brief was not completed and a timely motion for an extension was not served and filed. The undersigned respectfully asks the Court to accept this motion for an extension out of time.

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 an 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 initial briefs in the last several weeks. In addition, counsel participated in oral argument at both this Court 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. I would therefore request an extension of time within which to serve and file the Initial Brief of Respondent.

WHEREFORE, Respondent prays that the Court accept this Motion out of time, 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 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



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ATTORNEYS FOR RESPONDENT

February 23, 2017

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PROOF OF SERVICE

I, Anne A. Mueller, certify that I have served the Motion Out of Time For Extension Of Time Within Which To Serve And File Initial Brief of Respondent on Appellant by depositing a copy of same in the United States mail, postage prepaid, addressed to:

C. Rauch Wise, Esquire
305 Main Street
Greenwood, South Carolina 29646

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

This 23rd day of February, 2017.



ANNE A. MUELLER
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

February 23, 2017

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SC Court of Appeals

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. Timothy A. Pulley
Appellate Case Tracking No. 2015-002206

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of a Motion Out of Time For Extension Of Time Within Which To Serve And File Initial Brief of Respondent along with proof of service for filing in the above-referenced appeal.

Sincerely,

William M. Blich, Jr.
Assistant Attorney General

Enclosures

cc: C. Rauch Wise, Esquire
Victim Services