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3rd AIB due 6/14/17

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED  
JUN 15 2017  
SC Court of Appeals

Appeal from Aiken County  
Honorable G. Thomas Cooper, Circuit Court Judge  
Appellate Case Tracking No. 2016-000672

The State,

Respondent,

vs.

Michael Antwon Fuller,

Appellant.

**MOTION OUT OF TIME FOR THIRD 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 was due to be served and filed June 14, 2017. Due to the undersigned leaving early with a migraine, the extension was not timely served and filed. The undersigned respectfully asks the Court to accept this Motion out of time and consider the request for a third extension.

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. Due to work required in other cases pending before this Court and the South Carolina Supreme Court, I am

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unable to complete this brief on time. The undersigned has completed several initial briefs, Returns to Petition for Writ of Certiorari, and Briefs of Respondent. In addition, counsel participated in oral argument at both this Court and the South Carolina Court of Appeals.

III.

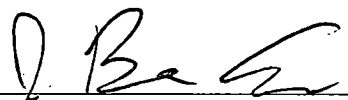
This extension request is not intended for purposes of delay, but rather to ensure the Brief is properly researched and prepared. I would therefore request a third extension of time within which to serve and file the Initial Brief of Respondent.

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.

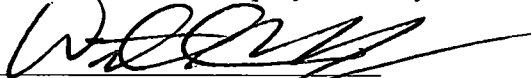
Respectfully submitted,

ALAN WILSON  
Attorney General

WILLIAM M. BLITCH, JR.  
Assistant Attorney General



J. BENJAMIN APLIN  
Senior Assistant Deputy Attorney General



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ATTORNEYS FOR RESPONDENT

June 15, 2017

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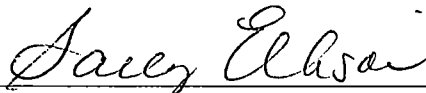
**PROOF OF SERVICE**

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

David Alexander, Esquire  
SC Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, South Carolina 29211-1589

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

This 15<sup>th</sup> day of June, 2017.



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



ALAN WILSON  
ATTORNEY GENERAL

June 15, 2017

**VIA HAND DELIVERY**

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

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JUN 15 2017  
SC Court of Appeals

Re: State v. Michael A. Fuller  
Appellate Case Tracking No. 2016-000672

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of a Motion Out of Time For Third 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: David Alexander, Esquire  
Victim Services