

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenwood County
Honorable Eugene C. Griffith, Jr., Circuit Court Judge
Appellate Case No. 2015-002464

RECEIVED
DEC 21 2017
SC Court of Appeals

THE STATE,

RESPONDENT,

vs.

TERRENCE O'NEIL FRAZIER,

APPELLANT.

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

Respondent, State of South Carolina, through its undersigned counsel, would respectfully show unto this Court as follows:

1. The Initial Brief of Respondent and Designation of Matter are due to be served and filed on January 2, 2017, after three previously granted extensions.
2. The undersigned requests a fourth 30-day extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter in this appeal.
3. Completion of the brief has been delayed by Respondent's unsuccessful attempts to seek a transcript of a pretrial hearing believed to be held on or about September 14, 2015, that would be instructive, if not determinative, of the Faretta issue raised in the instant case. Respondent, by letter, recently sent a request to the Honorable Judge Edward W. Miller, with copy to opposing counsel, to enquire if Judge Miller might have notes or other

records regarding the hearing that would support a reconstruction hearing. Respondent also sent a formal written request to the Court Reporter for a final determination if the proceedings were recorded. Additionally, Respondent requested a copy of the recording of Mr. Frazier's September 1, 2015 preliminary hearing which Respondent believes will be relevant to the appeal and is awaiting receipt.

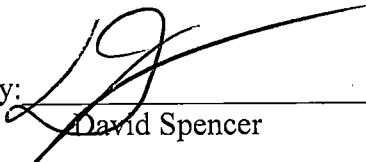
4. The undersigned assures the Court completion of the brief is a high priority, and he will work diligently to complete it.
5. The undersigned consulted with counsel for the Appellant, and he is authorized to advise the Court that counsel for the Appellant consents to the requested relief.

Based on the foregoing, Respondent respectfully requests that this Court hold this matter in abeyance pending a resolution of this motion, and grant Respondent's request for a 30-day extension to file and serve the Initial Brief of Respondent and Designation of Matter in this appeal.

Respectfully submitted,

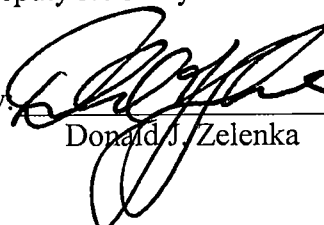
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Attorney General

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By: 

David Spencer

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ATTORNEYS FOR RESPONDENT

December 21, 2017

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenwood County
Honorable Eugene C. Griffith, Jr., Circuit Court Judge
Appellate Case No. 2015-002464

THE STATE,

RESPONDENT,

vs.

TERRENCE O'NEIL FRAZIER,

APPELLANT

PROOF OF SERVICE

I, Anne Mueller, certify I served the Motion for Fourth Extension to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by depositing a copy in the United States Mail, postage prepaid, addressed to Laura R. Baer, Esquire, SC Commission on Indigent Defense, Division of Appellate Defense, PO Box 11589, Columbia, SC 29211.

I further certify all parties required by Rule to be served have been served.
This 21st day of December, 2017



Anne A. Mueller
Legal Assistant
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211



ALAN WILSON
ATTORNEY GENERAL

December 21, 2017

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HAND DELIVERY

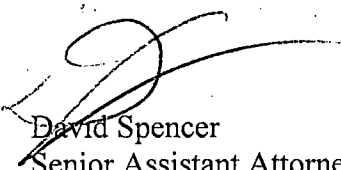
The Honorable Jenny A. Kitchings
Clerk of Court, SC Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

**RE: State v. Terrence O'Neil Frazier
Appellate Case No. 2015-002464**

Dear Ms. Kitchings:

Enclosed are an original and six (6) copies of a Motion for Fourth Extension to Serve and File Initial Brief of Respondent and Designation of Matter with proof of service in the above-referenced appeal.

Sincerely,


David Spencer
Senior Assistant Attorney General
State Bar No. 68571

DS/aam
Enclosures

cc: Laura R. Baer, Esquire (w/enclosure)
Victim Advocacy Division (w/enclosure)