

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County
Honorable R. Knox McMahon, Circuit Court Judge
Appellate Case Tracking No. 2016-001975

RECEIVED
JAN 02 2018
SC Court of Appeals

The State,

Respondent,

vs.

Michael Scott Simmons,

Appellant.

**MOTION 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 is due to be served and filed January 2, 2018.

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 unable to complete this brief on time. The undersigned has completed several initial briefs, Returns to Petition for Writ of Certiorari, Petitions of Rehearing and Petitions for Writ of Certiorari. In addition, counsel prepared for and participated in three oral arguments in

November and one in December. Finally, the undersigned was out of the office for a week with the flu right before the holiday season began.

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 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



WILLIAM M. BLITCH, JR.
Assistant Attorney General
S.C. Bar No. 15608
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Post Office Box 11549
Columbia, SC 29211
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ATTORNEYS FOR RESPONDENT

January 2, 2018

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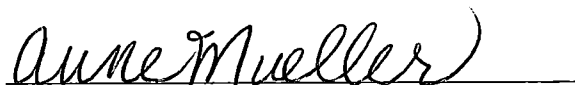
PROOF OF SERVICE

I, Anne A. Mueller, certify that I have served the Motion 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:

Susan B. Hackett, 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 2nd day of January, 2018.



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



ALAN WILSON
ATTORNEY GENERAL

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SC Court of Appeals

January 2, 2018

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. Michael Simmons
Appellate Case Tracking No. 2016-001975

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of a Motion 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: Susan B. Hackett, Esquire
Victim Advocacy Division