

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**  
FEB 01 2018  
SC Court of Appeals

The State,

Respondent,

vs.

Michael Scott Simmons,

Appellant.

**MOTION 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 is due to be served and filed February 1, 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 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 including State v. Michaux and State v. Sanders, Returns to Petition for Writ of Certiorari in State v. Dial and State v. Moore, a Petition for Writ of Certiorari in State v. Gurley, and a Brief of Respondent in State v. Polite.

III.


This extension request is not intended for purposes of delay, but rather to ensure the Brief is properly researched and prepared. The undersigned is currently working on this Brief and anticipates having it completed without need for further extensions. Additionally, opposing counsel indicated her consent. 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 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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DONALD J. ZELENSKA  
Deputy Attorney General

  
\_\_\_\_\_  
WILLIAM M. BLITCH, JR.  
Assistant Attorney General  
S.C. Bar No. 15608  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR RESPONDENT

February 1, 2018

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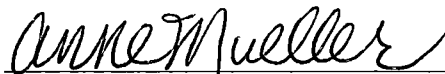
**PROOF OF SERVICE**

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

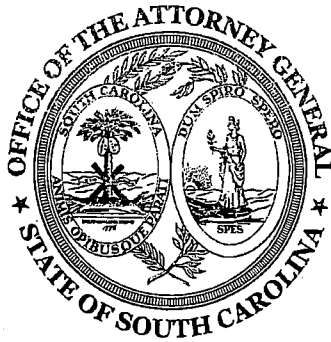
Susan B. Hackett, Esquire  
SC Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, South Carolina 29211-1589

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

This 1<sup>st</sup> day of February, 2018.



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



ALAN WILSON  
ATTORNEY GENERAL

February 1, 2018

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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. Michael Simmons  
Appellate Case Tracking No: 2016-001975

Dear Ms. Kitchings:

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