

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**  
SEP 10 2018  
SC Court of Appeals

Appeal from Oconee County  
Honorable R. Lawton McIntosh, Circuit Court Judge  
Appellate Case Tracking No. 2018-000637

John Dalen,

Appellant,

vs.

The State,

Respondent.

**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 September 10, 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, a Petition for Writ of Certiorari, a Return to Petition for Writ of Certiorari, and is currently working on the Initial Brief of Respondent in this underlying appeal.

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  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR RESPONDENT

September 10, 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:

John D. Dalen  
109 Wood Valley Drive  
Westminster, South Carolina 29693

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

This 10<sup>th</sup> day of September, 2018.

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



ALAN WILSON  
ATTORNEY GENERAL

September 10, 2018

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**VIA HAND DELIVERY**

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

Re: John Dalen v. State  
Appellate Case Tracking No. 2018-000637

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: John Dalen  
Victim Advocacy Division