

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

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

John Dalen, Appellant

v.

The State, Respondent

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SEP 19 2018
SC Court of Appeals

**MOTION TO DENY THIRD EXTENSION AS
REQUESTED BY RESPONDENT FOR FILING INITIAL BRIEF**

The Appellant, John Dalen, requests the Court to consider the following before granting Respondent's request for a third extension:

Under the Rules, Respondent is allowed thirty (30) days to respond to an Appellant's Initial Brief. The Respondent has already been granted two additional thirty-day extensions, for a total of ninety days. The Respondent now comes before this Court to ask for another thirty days – this after the Court informed the Respondent in a letter dated August 15, 2018, that any further extension request must be based on “a showing of good cause.” The Respondent has used the same explanation as in previous requests, i.e. that they are “too busy,” only this third

time it was done by Motion and used a lot of additional words to convey the same excuse.

The Appellant believes that his rights are further being violated in this case by the failure of the Respondent to respond to the Appellant in a timely manner. The Appellant also believes that this third extension request does not constitute a “showing of good cause.” The Appellant is busy also; he must run a business and meet deadlines in that business as well as comply with Court Rules and deadlines in this and other cases that he has before the Court. Unlike the Respondent, he does not have the resources of paid attorneys and budgets available to the Attorney General’s Office. If he were the Attorney General, the Appellant would be embarrassed to have missed these deadlines. If the Attorney General is that busy, he might consider requesting additional funding in response to the workload.

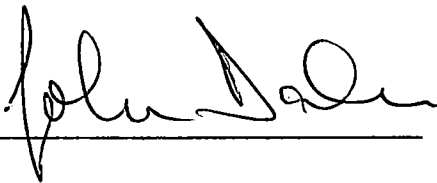
The Appellant would like to emphasize to the Attorney General that this is not a difficult case. The points in question represent fundamental rights of the Appellant and the protection of these rights is why we have an Attorney General; his job is to protect the citizens’ rights, and to keep the State within the bounds of Constitutional Authority, both State and Federal Constitutions. The Attorney General’s job is not to make excuses for the State or otherwise try to circumvent either Constitution.

WHEREFORE the Appellant requests the Court to deny the Respondent’s Motion for a Third Extension, and order Respondent to produce an immediate response. Should the Court grant this third extension, Appellant requests that the Court,

upon Respondent's failure to respond this third time, that Appellant's Appeal be granted on all counts, and that the State be ordered to return all monies collected from the Appellant; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

John Dalen

A handwritten signature in black ink, appearing to read "John Dalen", is written over a horizontal line.

John D. Dalen

109 Wood Valley Drive

Westminster, SC 29693

Phone: 864.647.4705

Appearing Pro Per/Appellant

September 15, 2018

The South Carolina Court of Appeals

John Dalen, Appellant,

v.

The State, Respondent.

Appellate Case No. 2018-000637

The Honorable R. Lawton McIntosh
Oconee County
Trial Court Case No. 2017CP3700490

ORDER

For good cause shown, the request for an extension to serve and file the initial brief of respondent and designation of matter is granted and extended until September 10, 2018. Pursuant to the order of the Supreme Court of South Carolina dated March 18, 2009 (www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2009-03-18-01), any further extension request must be based on a showing of good cause and must be signed by the appropriate attorneys.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:

John D. Dalen
William M. Blich, Jr., Esquire
Alan McCrory Wilson, Esquire

FILED

August 15, 2018

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IN THE COURT OF APPEALS**

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

John Dalen, Appellant

v.

The State, Respondent

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PROOF OF SERVICE

I, John Dalen, certify that I have served this Motion to Deny Third Extension as Requested by Respondent for Filing Initial Brief upon all parties to this Appeal by depositing a copy of same, postage pre-paid, United States Postal Service, addressed to:


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

Cc: Attorneys of Record for Respondent
William M. Blich, Jr., Assistant Attorney General
J. Benjamin Aplin, Senior Assistant Deputy Attorney General

Copies for the Attorneys of Record are included with mailing to Alan Wilson at above address.

September 15, 2018

By:


John Dalen
Appellant Pro Per
109 Wood Valley Drive
Westminster, SC 29693

John Dalen

864.647.4705
johndalen@gmail.com

109 Wood Valley Drive
Westminster, SC 29693

September 15, 2018

South Carolina Court of Appeals
Attn: The Honorable Jenny A. Kitchings
Clerk, SC Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: John Dalen v. State
Appellate Case No. 2108-000637

Dear Ms. Kitchings:

Enclosed please find the original and six copies of a Motion to Deny Third Extension as Requested by Respondent for Filing Initial Brief, along with Proof of Service for filing in the above-referenced appeal.

Sincerely,



John Dalen

Enclosures: Orig. and six copies
Cc: Attorney General Alan Wilson
William M. Blicht, Asst. Atty. Genl.
J. Benjamin Aplin, Sr. Asst. Deputy Atty. Genl.

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Honorable Jenny A. Kitchings
Clerk, SC Court of Appeals
P.O. Box 11629
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