

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Hampton County
Honorable Perry M. Buckner, Circuit Court Judge
Appellate Case Tracking No. 2018-002201

RECEIVED
JAN 22 2020
SC Court of Appeals

The State,

Respondent,

vs.

Daniel Lee Fludd,

Appellant.

**MOTION OUT OF TIME FOR EXTENSION
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT**

Respondent, through its undersigned counsel, would respectfully show as follows:

I.

The State's Initial Brief of Respondent and Designation of Matter were due to the Court yesterday, January 21, 2020, pursuant to a previous extension granted by the Court. The undersigned was out for this day caring for his sick child and failed to note the deadline for filing the Brief. The State asks this Court to accept and consider this Motion out of time.

II.

Due to work required in other direct appeals pending before this Court and the South Carolina Supreme Court, I am unable to complete the Brief on time. I would therefore request an extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

III.

This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty (30) days; and for such other and further relief as the Court may deem just and proper.

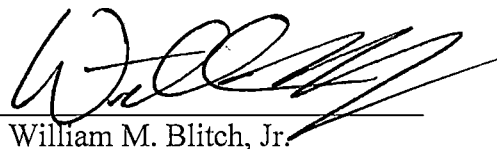
Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

WILLIAM M. BLITCH, JR.
Senior Assistant Deputy Attorney General

By:



William M. Blitch, Jr.
S.C. Bar No: 15608

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

ATTORNEYS FOR RESPONDENT

January 22, 2020

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PROOF OF SERVICE

I, Caroline Collins, certify that I have served Motion Out of Time for Extension to Serve and File Initial Brief of Respondent on Appellant by depositing two copies of the same for delivery addressed to his attorney of record, David Alexander, Esquire, S.C. Commission on Indigent Defense, Comm. On Indigent Def. Appellate Div., Post Office Box 11589, Columbia, South Carolina 29211

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

This 22nd day of January, 2020.



Caroline Collins
Administrative Coordinator
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

January 22, 2020

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David Alexander, Esquire
S.C. Commission on Indigent Defense
Comm. On Indigent Def. Appellate Div.
Post Office Box 11589
Columbia, South Carolina 29211

RE: The State v. Daniel Lee Fludd
Appellate Case Tracking No. 2018-002201

Dear Mr. Alexander:

I am enclosing copies of the Motion Out of Time for Extension to Serve and File Initial Brief of Respondent in the above-referenced case. If you have any questions, please do not hesitate to contact me.

Sincerely,

William M. Blitch, Jr.
Senior Assistant Deputy Attorney General
S.C. Bar No. 15608

Enclosures

cc: Honorable Jenny A. Kitchings (original and six enclosed)