

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

MAY 13 2013

Appeal from York County
Honorable Lee S. Alford, Circuit Court Judge
Appellate Case Tracking No. 2009-147686

SC Court of Appeals

The State,

Respondent,

vs.

Jermaine T. Fuller,

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 today.

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 briefs in State v. Pitts, State v. Johnson, and State v. Mozee. The undersigned has completed a Return to the Petition for Writ of Certiorari in State v.

Samuel. Further, the undersigned has participated in oral argument at the Court of Appeals in State v. Wright, State v. Rogers, State v. Carter, State v. Collington, State v. Carlisle, and State v. Rhoad and in the Supreme Court in State v. Hercheck. Further the undersigned is completing a Return to a Petition for Writ of Certiorari to the United States Supreme Court and preparing for oral argument in State v. Tilmon.

III.

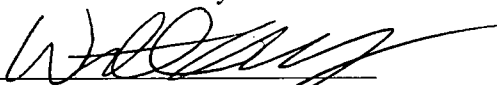
This extension request is not intended for purposes of delay, but rather to ensure the Brief is properly researched and prepared. I would therefore request a third extension of time within which to serve and file the Initial Brief of Respondent.

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


WILLIAM M. BLITCH, JR.
Assistant Attorney General
S.C. Bar No. 15608

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ATTORNEYS FOR RESPONDENT

May 13, 2013

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The State,

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PROOF OF SERVICE

I, Ellen R. DuBois, 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:

David Alexander, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

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

This 13th day of May, 2013.

Ellen R. DuBois

ELLEN R. DuBOIS
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

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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

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SC Court of Appeals

Re: State v. Jermaine Fuller
Appellate Case Tracking No. 2009-147686

Dear Mr. Shearouse:

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: David Alexander, Esquire
Victim Services