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Aug 01 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Georgetown County
Honorable Steven H. John, Circuit Court Judge
Appellate Case No. 2021-000570

THE STATE,

Respondent,

vs.

JEREMIAH DICAPUA,

Appellant.

**MOTION FOR FOURTH EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTER**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter are due to be served and filed on August 1, 2022.

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 State moves for a **fourth** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. In the past few weeks, the undersigned counsel has submitted a Brief of Petitioner to the Supreme Court in State v. Randy

Wright; has submitted a Brief of Respondent to the Supreme Court in State v. Ontavious Derenta
Plumer; has submitted a Return to Petition for Writ of Certiorari to the Supreme Court in State v.
Eric Emanuel English; has submitted an Initial Brief of Respondent to the Court of Appeals in
State v. David Antonio Little, Jr.; has submitted a Reply to Return to Petition for Rehearing to
the Court of Appeals in State v. Sylvester Ferguson, III; and has submitted a Second Return to
Petition for Rehearing to the Court of Appeals in State v. Mutekis Jamar Williams. Along with
that and other responsibilities in the office, the undersigned counsel has also prepared for and
participated in a continuing legal education program as a speaker for the South Carolina
Commission on Prosecution Coordination.

III.

The undersigned counsel submits this extension request is supported by extraordinary
circumstances and is not intended for purposes of delay. The Brief in the above-referenced case
has required significant research because the case involves an important appellate issue related to
the admission of identification evidence. The undersigned counsel is currently working on the
Brief in this case and intends to have it finished in a timely manner. However, the undersigned
counsel has not yet been able to finish the Brief due to a heavy workload. Accordingly, in order
to ensure the Brief is properly researched and prepared, I would therefore request an additional
extension of time within which to serve and file the Brief.

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 days
from the date such relief is granted; hold the matter in abeyance pending a ruling on
Respondent's motion; and grant such other and further relief as the Court may deem just and
proper.

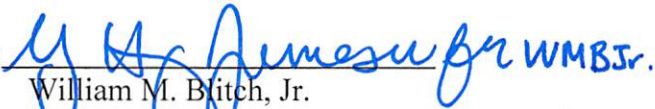
Respectfully submitted,


ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Attorney General

By: 
Mark R. Farthing
S.C. Bar Number 76901

I have reviewed and approved this extension request.

By: 
William M. Blitch, Jr.
Senior Assistant Deputy Attorney General

By: 
Donald J. Zelenka
Deputy Attorney General

August 1, 2022

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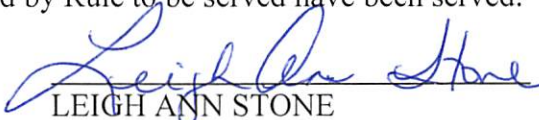
Appellant.

PROOF OF SERVICE

I, Leigh Ann Stone, certify I have served the within Motion for Fourth Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by sending an electronic copy via email to the address listed in AIS for the following individual:

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

I further certify all parties required by Rule to be served have been served.
This 1st day of August, 2022.


LEIGH ANN STONE

Legal Assistant
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211

Leigh Ann Stone

From: Leigh Ann Stone
Sent: Monday, August 1, 2022 9:37 AM
To: 'dalexander@sccid.sc.gov'
Cc: Mark Farthing; William Blich; 'Matthews, Lindsey'
Subject: The State v. Jeremiah DiCapua (2021-000570)
Attachments: Dicapua. Fourth Extension Request (IBOR) (03062039xD2C78).pdf

Good Morning Mr. Alexander,

Attached please find a request for a fourth extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter in The State v. Jeremiah DiCapua (2021-000570). This request will be submitted to the South Carolina Court of Appeals today via the AIS One Drive System.

If you will, please reply to confirm receipt of this email.

Thank you!

LEIGH ANN STONE, Legal Assistant
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