

**RECEIVED**

**Aug 15 2022**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Aiken County  
Honorable Clifton Newman, Circuit Court Judge  
Appellate Case No. 2021-001126

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THE STATE,

Respondent,

vs.

KENNETH A. WHITAKER, JR.

Appellant.

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

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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 15, 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 **third** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. In the past month, the undersigned counsel has submitted an Initial Brief of Respondent and Designation of Matter to the Court of

Appeals in State v. David L. Hill, Jr.; has submitted a Reply to Petitioner's Response and Motion to Strike in Tyrel R. Collins v. Warden of Leiber Correctional Institute, a federal habeas case; has submitted a Petition for Rehearing to this Court in State v. Olandio R. Workman; and has submitted a Return to Petition for Writ of Certiorari to the Supreme Court in State v. Jordan Marie Hodge and State v. Rickey Dean Tate.

### III.

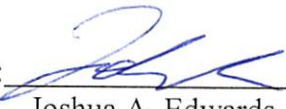
The undersigned counsel submits this extension request is supported by good cause and is not intended for purposes of delay. The brief in the above-referenced case has required significant research because the case involves an important appellate issue related to a claim of self-defense. The undersigned 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

JOSHUA A. EDWARDS  
Assistant Attorney General

By:   
Joshua A. Edwards  
S.C. Bar Number 101188

I have reviewed and approved this extension request.

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

August 15, 2022

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THE STATE,

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Appellant.

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**PROOF OF SERVICE**

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I, Leigh Ann Stone, certify I have served the within Motion for Third 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:

John W. Harte, Esquire  
John W. Harte Attorney At Law, LLC  
Post Office Box 7215  
Aiken, SC 29804

I further certify all parties required by Rule to be served have been served.  
This 15<sup>th</sup> day of August, 2022.

  
\_\_\_\_\_  
LEIGHANN STONE

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

## Leigh Ann Stone

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**From:** Leigh Ann Stone  
**Sent:** Monday, August 15, 2022 4:32 PM  
**To:** 'john@jwhartelaw.com'  
**Cc:** Josh Edwards; William Blich  
**Subject:** State v. Kenneth Andrew Whitaker Jr. (2021-001126)  
**Attachments:** WHITAKER Kenneth - Third Extension Request (IBOR) (03075857xD2C78).PDF

Good Afternoon Mr. Harte,

Attached please find a request for a third extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter in The State v. Kenneth Andrew Whitaker Jr. (2021-001126). 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  
South Carolina Attorney General's Office  
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