

**RECEIVED**  
**Jan 17 2023**  
**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Greenville County

R. Scott Sprouse, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

SAMIR KEVIN SHANK,

APPELLANT

APPELLATE CASE NO. 2022-000650

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MOTION FOR AN EXTENSION OF TIME TO  
SERVE AND FILE THE INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER

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Counsel for Samir Kevin Shank respectfully requests a **fifth and final two-day (2) extension from today, January 17, 2023 until Thursday, January 19, 2023**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in the above-referenced case due to illness. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth request for an extension. In support of this request, counsel shows:

1. The Initial Brief of Appellant and Designation of Matter in this case are due to be served and filed with the Court today.

2. Counsel for Samir Kevin Shank respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage her caseload, counsel hopes that no further extension requests will be required.

3. Due to illness, counsel cannot complete and file this brief today as intended. Counsel filed the Reply to Return to Petition for Writ of Certiorari Pursuant to *Mack v. State* in the case of John Willie Mack v. The State with this Court on January 13, 2023. Counsel filed the Petition for Writ of Certiorari and the Appendix in the case of Samuel Jeter v. The State with the Supreme Court on January 6, 2023. Counsel filed the Petition for Certiorari to the Court of Appeals and the Appendix in the case of The State v. Amy N. Taylor with this Court on December 6, 2022. Counsel filed the Petition for Writ of Certiorari and the Appendix in the case of Toaby Alexander Trapp v. The State with the Supreme Court on November 18, 2022. Counsel filed the Final Brief of Appellant and Record on Appeal in the case of Michael A. Williams v. The State with this Court on November 9, 2022.

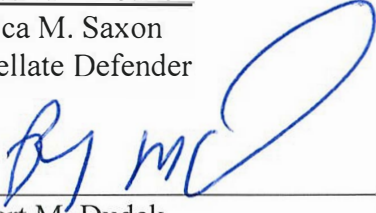
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. On December 28, 2022, opposing counsel, the Office of the Attorney General, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through January 31, 2023.

WHEREFORE, the undersigned counsel would respectfully request a **fifth and final two-day (2) extension from today, January 17, 2023 until Thursday, January 19, 2023**, due to illness, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.


Respectfully submitted,

s/ Jessica M. Saxon  
Jessica M. Saxon  
Appellate Defender



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Robert M. Dudek  
Chief Appellate Defender



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J. Hugh Ryan, III  
Executive Director/  
Hervey B. O. Young  
Deputy Director and General Counsel/  
W. Lawrence Brown  
Deputy General Counsel and Training Director

This 17th day of January, 2023.

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APPELLATE CASE NO. 2022-000650

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CERTIFICATE OF SERVICE

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Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion for Extension in the above-referenced case has been served upon William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 17th day of January, 2023.

s/ Jessica M. Saxon  
Jessica M. Saxon  
Appellate Defender

ATTORNEY FOR APPELLANT

**From:** [Warren, Kaylynn](#)  
**To:** [William Blich](#)  
**Cc:** [Saxon, Jessica](#); [Caroline Collins](#)  
**Subject:** 2022-000650 The State v. Samir Kevin Shank  
**Date:** Tuesday, January 17, 2023 10:35:00 AM  
**Attachments:** [2022-000650 The State v. Samir Kevin Shank Fifth Motion for Extension and COS.pdf](#)

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Good Morning,

Please find attached for service in the above-referenced case the Fifth Motion for an Extension of Time and Certificate of Service which will be filed today, January 17, 2023, with the Court of Appeals via OneDrive.

Respectfully,  
Kaylynn

**Kaylynn Warren**

Administrative Assistant  
South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
(803) 734-1330