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Jan 19 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

R. Scott Sprouse, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SAMIR KEVIN SHANK,

APPELLANT

APPELLATE CASE NO. 2022-000650

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

Due to continued illness, Counsel for Samir Kevin Shank respectfully requests a **sixth and final fourteen (14) day extension from today, January 19, 2023 until February 2, 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. 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 after a request for a final two day extension. *Counsel had every intention of completing this brief today, but is still too ill to do so.*

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 continued 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 complete this brief as soon as she returns to work.

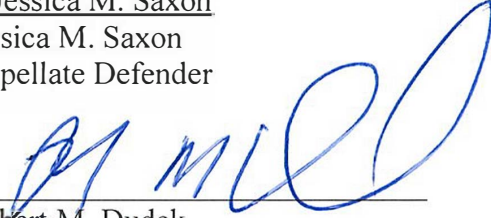
5. On December 28, 2022, opposing counsel, the Office of the Attorney General, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through January 31, 2023.

WHEREFORE, the undersigned counsel would respectfully request a **final fourteen (14) day extension from today, January 19, 2023 until February 2, 2023**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

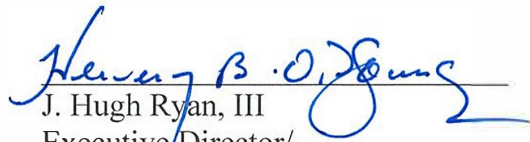
Respectfully submitted,

s/ Jessica M. Saxon

Jessica M. Saxon
Appellate Defender



Robert M. Dudek
Chief Appellate Defender



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 19th day of January, 2023.

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SAMIR KEVIN SHANK,

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APPELLATE CASE NO. 2022-000650

CERTIFICATE OF SERVICE

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 19th 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: Thursday, January 19, 2023 10:52:00 AM
Attachments: [2022-000650 The State v. Samir Kevin Shank Sixth Motion for Extension and COS.pdf](#)

Good Morning,

Please find attached for service in the above referenced case the Sixth Motion for and Extension of Time and Certificate of Service which will be filed today, January 19, 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