

RECEIVED
Feb 06 2023
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Dillon County
Honorable Paul M. Burch, Circuit Court Judge
Appellate Case No. 2022-000324

THE STATE,

Respondent,

vs.

MARC YASIN MCKEIVER,

Appellant.

**MOTION FOR THIRD 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 February 6, 2023.

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 few weeks, the undersigned counsel has submitted a Brief of Respondent to the Supreme Court in State v.

Robert Lee Miller, III; has submitted an Initial Brief of Respondent to the Court of Appeals in State v. Tamika Yolanda Williams; and has submitted a Return to Petition for Rehearing to the Court of Appeals in State v. Shi Heme Raquan Price. Along with that and other responsibilities in the office, the undersigned counsel has also participated in several days of in-office and out-of-office mandatory training involving the South Carolina Department of Administration.

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 four important appellate issues, including a novel one related to Article I, Section 10 of the South Carolina Constitution. 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. Blich, Jr.
Senior Assistant Deputy Attorney General

February 6, 2023

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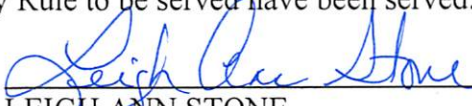
PROOF OF SERVICE

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 addresses listed in AIS for the following individuals:

Dayne C. Phillips, Esquire
dayne@pricebenowitz.com

Breen Richard Stevens, Esquire
bstevens@sccid.sc.gov

I further certify all parties required by Rule to be served have been served.
This 6th day of February, 2023.


LEIGH ANN STONE
Legal Assistant

Leigh Ann Stone

From: Leigh Ann Stone
Sent: Monday, February 6, 2023 11:54 AM
To: Dayne Phillips; breenstevens@gmail.com
Cc: Mark Farthing; William Blicht
Subject: State v. Marc Y. Mckeiver (2022-000324)
Attachments: Mckeiver.Third Extension Request (IBOR) (03212066xD2C78).PDF

Good Morning Mr. Phillips and Mr. Stevens,

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. Marc Y. Mckeiver (2022-000324). This request will be submitted to the South Carolina Court of Appeals today via the AIS One Drive System.

Thank you,

LEIGH ANN STONE, Legal Assistant
South Carolina Attorney General's Office
Criminal Appeals | Post-Adjudication
Office 803-734-3727
P.O. Box 11549 | Columbia, SC 29211
scag.gov



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