

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
Honorable Perry H. Gravely, Circuit Court Judge
Appellate Case No. 2022-000928

THE STATE,

Respondent,

vs.

JOSEPH MARTIN SWARINGEN,

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 April 5, 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. Yesterday, the undersigned counsel filed an Initial Brief of Respondent with the Court of Appeals in State v. Randall Wade Medlin.

Additionally, in the past few weeks, the undersigned counsel has participated in oral argument before the Supreme Court in State v. Ontavious Derenta Plumer; has filed a Petition for Rehearing with the Court of Appeals in Charles Green, Jr. v. State; has filed an Initial Brief of Respondent with the Court of Appeals in State v. Solomon Tadesse Yemame and State v. Ronzell Bilah Olds; and has filed a Brief of Respondent with the Court of Appeals in State v. Shiquan Tyon Cwiklinski. Along with that and other responsibilities in the office, the undersigned counsel has also prepared for and participated an out-of-office presentation and has participated in mandatory in-office 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 six distinct appellate issues. 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

April 5, 2023

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Apr 05 2023

SC Court of Appeals

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THE STATE,

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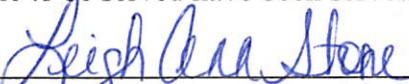
Appellant.

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:

C. Rauch Wise
305 Main Street
Greenwood, SC 29646

I further certify all parties required by Rule to be served have been served.
This 5th day of April, 2023.


LEIGH ANN STONE
Legal Assistant
Office of the Attorney General

Leigh Ann Stone

From: Leigh Ann Stone
Sent: Wednesday, April 5, 2023 4:46 PM
To: Rauch Wise
Cc: Mark Farthing; William Blitch
Subject: State v. Joseph Martin Swaringen (2022-000928)
Attachments: Swaringen.Third Extension Request (IBOR) (03259547xD2C78).PDF

Good Afternoon Mr. Wise,

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. Joseph Martin Swaringen (2022-000928). 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
Criminal Appeals | Post-Adjudication
Office 803-734-3727 | P.O. Box 11549 | Columbia, SC 29211
scag.gov



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Apr 05 2023

SC Court of Appeals

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