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Apr 07 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 FIFTH 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 7, 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 **fifth** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. Earlier this week, the undersigned counsel filed an Initial Brief of Respondent with the Court of Appeals in State v. Randall Wade

Medlin and a Petition for Rehearing with the Court of Appeals in State v. Keunte Cobbs. Additionally, in the past few weeks, the undersigned counsel has filed an Initial Brief of Respondent with the Court of Appeals in 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 presented at an out-of-office presentation and his participated in mandatory in-office training involving the South Carolina Department of Administration.

III.

The undersigned counsel submits this extension request is supported by extraordinary circumstances 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 and other challenges stemming from staffing issues within the South Carolina Attorney General's Office's post-adjudication section that have required and led to the reassignment of numerous cases. 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,

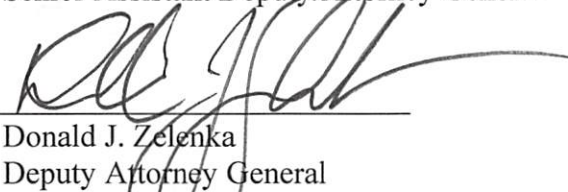
ALAN WILSON
Attorney General

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

By: 
Donald J. Zelenka
Deputy Attorney General

April 7, 2023

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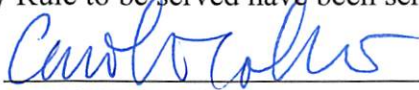
PROOF OF SERVICE

I, Caroline Collins, certify I have served the within Motion for Fifth 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 7th day of April, 2023.



CAROLINE COLLINS
Administrative Coordinator

Caroline Collins

From: Caroline Collins
Sent: Friday, April 7, 2023 1:44 PM
To: Stevens, Breen; dayne@pricebenowitz.com
Cc: Mark Farthing; William Blitch
Subject: The State v. Marc Yasin Mckeiver (2022-000324)
Attachments: Mckeiver.Fifth Extension Request (IBOR) (03261267xD2C78).PDF

Good Afternoon Mr. Stevens and Mr. Phillips,

Attached please find a motion for a fifth extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter in The State v. Marc Yasin Mckeiver (2022-000324). This motion 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!

CAROLINE COLLINS, Administrative Coordinator
South Carolina Attorney General's Office
Criminal Appeals | Office 803-734-3723 | ccollins@scag.gov
P.O. Box 11549 | Columbia, SC 29211
scag.gov



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