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**May 05 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

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THE STATE,

Respondent,

vs.

JOSEPH MARTIN SWARINGEN,

Appellant.

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**MOTION FOR FOURTH EXTENSION OF TIME WITHIN WHICH  
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT  
AND DESIGNATION OF MATTER**

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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 May 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 **fourth** 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 filed a Return to Petition for Writ of Certiorari with the Supreme Court

in Kadrin Singleton v. State; has filed a Brief of Respondent with the Court of Appeals in Marcus Wright v. State; has filed a Petition for Rehearing with the Court of Appeals in State v. Keunte Cobbs; and has filed a Final Brief of Respondent with the Court of Appeals in State v. Ronzell Bilah Olds, State v. Solomon Tadesse Yemame, and State v. Randall Wade Medlin. Along with that and other responsibilities—including supervisory and administrative ones—in the office, the undersigned counsel has participated in multiple days of mandatory in-office and out-of-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 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 along with other significant challenges that have resulted from substantial staffing issues currently being experienced by the undersigned counsel's office. 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.

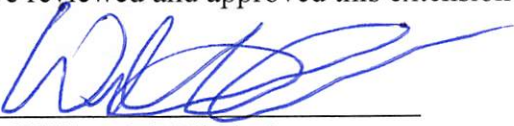
Respectfully submitted,


ALAN WILSON  
Attorney General

MARK R. FARTHING  
Assistant Deputy 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

May 5, 2023

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THE STATE,

Respondent,

vs.

JOSEPH MARTIN SWARINGEN,

Appellant.

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**PROOF OF SERVICE**

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I, Caroline Collins, certify I have served the within Motion for Fourth 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 May, 2023.



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CAROLINE COLLINS  
Administrative Coordinator  
Office of the Attorney General

**Caroline Collins**

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**From:** Caroline Collins  
**Sent:** Friday, May 5, 2023 3:15 PM  
**To:** Rauch Wise  
**Cc:** Mark Farthing  
**Subject:** The State v. Joseph Martin Swaringen (2022-000928)  
**Attachments:** Swaringen.Fourth Extension Request (IBOR) (03284770xD2C78).PDF

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Good Afternoon Mr. Wise,

Attached please find a motion for a fourth 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 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  
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[scag.gov](http://scag.gov)



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