

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

May 11 2023

SC Court of Appeals

Appeal from Lexington County
Honorable Walton J. McLeod, IV, Circuit Court Judge
Appellate Case No. 2022-000658

THE STATE,

Respondent,

vs.

MAXIE PAUL WAGNER,

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 May 11, 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 filed a Brief of Respondent with the Supreme Court in State v. Mutekis

Jamar Williams; has filed a Petition for Writ of Certiorari, Appendix, and Supplemental Appendix with the Supreme Court in Charles Green, Jr. v. State; 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; 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.¹

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 a search and seizure issue involving both the state constitution and federal 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


¹ On April 17, 2023, the undersigned counsel was moved into the role of Assistant Deputy Attorney General with supervisory responsibility of the office's Criminal Appeals section.

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

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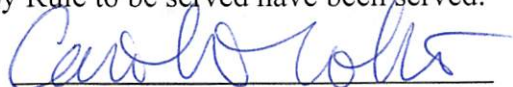
Appellant.

PROOF OF SERVICE

I, Caroline Collins, 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 address listed in AIS for the following individual:

Breen R. Stevens, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify all parties required by Rule to be served have been served.
This 11th day of May, 2023.



CAROLINE COLLINS
Administrative Coordinator
Office of the Attorney General

Caroline Collins

From: Caroline Collins
Sent: Thursday, May 11, 2023 5:14 PM
To: Stevens, Breen
Cc: Stock, Chris; Mark Farthing; William Blich
Subject: The State v. Maxie Paul Wagner (2022-000658)
Attachments: Wagner.Third Extension Request (IBOR) (03288117xD2C78).PDF

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Good Afternoon Mr. Stevens,

Attached please find a request for a motion 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. Maxie Paul Wagner (2022-000658). This motion will be submitted to the South Carolina Court of Appeals today via the AIS One Drive System.

If you will, please confirm receipt of this email.

Thank you,

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



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