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Jun 14 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County
Honorable William A. McKinnon, Circuit Court Judge
Appellate Case No. 2021-001316

THE STATE,

Respondent,

vs.

TERRY SHAIMEK TYLER,

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 June 14, 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. Earlier today, the undersigned counsel filed a Return to Petition for Writ of Certiorari in the Supreme Court in Tyrell Woods v.

State. Likewise, in the past few weeks, the undersigned counsel has participated in oral argument before the Supreme Court in State v. Robert Lee Miller, III; has filed an Initial Brief of Respondent in the Court of Appeals in State v. Marc Yasin Mckeiver; has filed a Brief of Respondent in the Supreme Court in State v. Mutekis Jamar Williams; has filed a Petition for Writ of Certiorari, Appendix, and Supplemental Appendix in the Supreme Court in Charles Green, Jr. v. State; and has filed a Return to Petition for Writ of Certiorari in the Supreme Court in Travis Semaj Hutchinson v. State. Along with that and other responsibilities—including supervisory and administrative ones—in the office, the undersigned counsel has also participated in mandatory in-office training related to leadership skills.

III.

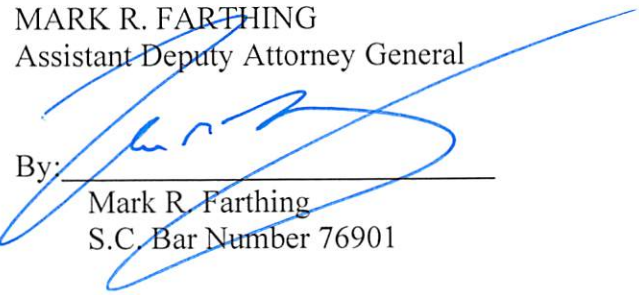
The undersigned counsel submits this extension request is supported by good cause and is not intended for purposes of delay. The Brief in the above-referenced case has required significant research because the case involves two important issues raising a constitutional challenge to the sentence imposed. 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
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

June 14, 2023

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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:

Jessica M. Saxon, 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 14th day of June, 2023.



CAROLINE COLLINS
Administrative Coordinator
Office of the Attorney General

Caroline Collins

From: Caroline Collins
Sent: Wednesday, June 14, 2023 4:36 PM
To: Saxon, Jessica
Cc: spollard@sccid.sc.gov; Mark Farthing
Subject: The State v. Terry Shaimek Tyler (2021-001316)
Attachments: Tyler.Third Extension Request (IBOR) (03311640xD2C78).PDF

Good Afternoon Ms. Saxon,

Attached please find a Motion for Third Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter in The State v. Terry Shaimek Tyler (2021-001316). 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!

CAROLINE COLLINS, Administrative Coordinator
South Carolina Attorney General's Office
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P.O. Box 11549 | Columbia, SC 29211
scag.gov



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