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Jun 21 2023
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
Honorable R. Scott Sprouse, Circuit Court Judge

Appellate Case No. 2022-000650

THE STATE, Respondent,

vs.

SAMIR KEVIN SHANK, Appellant.

MOTION FOR FOURTH 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 21, 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. Since requesting the last extension in this matter I have filed the Initial Brief Of Respondent and Designation Of Matter in State v. Kelsey Nicole Spurlock (2022-000476) and a Return To Petition For Writ Of Certiorari in

Deangelo Brown v. State (2022-001395) both on May 30, 2023. I also filed a Return to Petition for Writ of Certiorari in State v. Brandon Jerome Clark (2023-60041) as well as handled a post-conviction relief hearing in Spartanburg on June 20, 2023. The undersigned also was away from the office during part of the last month due to the unexpected death of a close family member.

III.

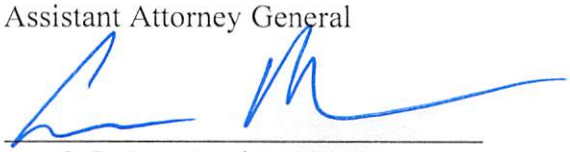
The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. However, the undersigned counsel has not yet been able to finish the Brief due to a heavy workload coupled with other challenges stemming from staffing issues within the South Carolina Attorney General's Office's post-adjudication section. 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

AMBREE M. MULLER
Assistant Attorney General



S.C. Bar Number 104213

I have reviewed and approved this extension request..

By: _____
Mark R. Farthing
Assistant Deputy Attorney General

By: _____
Donald J. Zelenka
Deputy Attorney General

June 21, 2023

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vs.

SAMIR KEVIN SHANK, Appellant.

AMENDED
CERTIFICATE OF SERVICE

I, Ambree Muller, 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 to Jessica M. Saxon, Appellant's counsel of record, to the address listed for counsel on AIS.

I further certify all parties required by Rule to be served have been served.
This 21st day of June 2023.

Ambree M. Muller
Attorney for Respondent

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3747

From:	Ambree Muller
To:	jsaxon@sccid.sc.gov
Cc:	Caroline Collins; Anne Mueller
Subject:	State v. Shank- Motion for 4th extension request
Date:	Wednesday, June 21, 2023 10:29:00 AM
Attachments:	Shank 4th extension Motion scanned.pdf image001.png

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Ms. Saxon,

Attached is an electronic copy of the State's motion for a fourth extension in the State v. Shank appeal. I will be submitting this document to the Court of Appeals shortly via the electronic filing system. If you have any questions or concerns or need any additional information, please just let me know. Thanks.

Sincerely,

Ambree Muller
Ambree Muller, Assistant Attorney General
Office of the South Carolina Attorney General
Criminal Appeals | Office 803-734-3747
P.O. Box 11549 | Columbia, SC 29211
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