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Jul 05 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County
Honorable Alex Kinlaw, Jr., Circuit Court Judge
Appellate Case Tracking No. 2022-001709

The State,

Appellant,

vs.

John Joey Mello,

Respondent.

**MOTION FOR THIRD EXTENSION OF TIME TO SERVE AND FILE
INITIAL BRIEF OF APPELLANT AND DESIGNATION OF MATTER**

Appellant, through its undersigned counsel, would respectfully show unto this Court:

I.

The Initial Brief of Appellant and Designation of Matter are due to be served and filed July 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 Appellant moves for a third extension in the above referenced appeal. Due to the issues raised and work required in other cases pending before this Court and the South Carolina Supreme Court, I am unable to complete this brief on time. Since the last extension request was granted by this Court, the undersigned has submitted a Return to Petition for Rehearing in Torrance v. State, the Return to Petition for Writ of Certiorari in the Original Jurisdiction of the Supreme Court in Folkes v. State, and the Return to Petition for Writ of Certiorari in Williams v. State, State v. Davis, State

v. Guderyon and State v. Fulton, The undersigned also has administrative responsibilities as the supervisor of the Criminal Appeals Section and portions of the Post-Conviction Relief Section at the Attorney General's Office. The Initial Brief in this case is one of the next briefs the undersigned plans to complete.

III.

This extension request is not intended for purposes of delay, but rather to ensure the Brief is properly researched and prepared. I would, therefore, request a third extension of time within which to serve and file the Initial Brief of Appellant and Designation of Matter.

WHEREFORE, Appellant prays that the Court hold this matter in abeyance until ruling on this motion, and extend the deadline for the service and filing of the Initial Brief of Appellant and Designation of Matter in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,


ALAN WILSON
Attorney General

WILLIAM M. BLITCH, JR.
Senior Assistant Deputy Attorney General

I have reviewed and approve this request:



W. JEFFREY YOUNG
Chief Deputy Attorney General



WILLIAM M. BLITCH, JR.
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ATTORNEYS FOR APPELLANT

July 5, 2023

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PROOF OF SERVICE

I, Caroline Collins, certify that I have served the Motion for Third Extension of Time to Serve and File Initial Brief of Appellant and Designation of Matter on Respondent by email to Respondent's counsel of record, David Alexander, at the email address provided by the Attorney Information System (AIS).

I further certify that all parties required by Rule to be served have been served.

This 5th day of July, 2023.



CAROLINE COLLINS
Administrative Coordinator
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