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Jul 19 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Sumter County
Honorable R. Kirk Griffin, Circuit Court Judge
Appellate Case No. 2022-001444

THE STATE,

Respondent,

v.

BRITTANY V. MARTIN,

Appellant.

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

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

I.

The Initial Brief of Respondent and Designation of Matter are due to be served and filed July 19, 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 Respondent 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. 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, a Return in Tabron v. State, and the Return to Petition for Writ of Certiorari in Williams v. State, State v. Fulton, and State v. Davis.

The State is also filing today a Return to Petition for Writ of Certiorari in Fraleay v. State, which is also due today in the South Carolina Supreme Court. The undersigned 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 Respondent and Designation of Matter.

WHEREFORE, Respondent prays that the Court hold this matter in abeyance until ruling on this motion; extend the deadline for the service and filing of the Initial Brief of Respondent 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:

s/Donald J. Zelenka
DONALD J. ZELENKA
Deputy Attorney General


WILLIAM M. BLITCH, JR.
S.C. Bar No. 15608
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

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PROOF OF SERVICE

I, Grace Sommer, certify that I have served the Motion for Third Extension of Time to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by email to Appellant's counsel of record, Meredith Dyer McPhail, David Allen Chaney, Jr., and Dr. Sybil Dione Rosado, Esquires, at their respective email addresses provided by the Attorney Information System (AIS).

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

This 19th day of July, 2023.



GRACE SOMMER
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727