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Aug 30 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Lexington County
The Honorable Daniel D. Hall, Circuit Court Judge

Appellate Case No: 2022-001214

THE STATE,

Respondent,

vs.

ISRAEL MENDOZA CERVANTES,

Appellant.

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

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

I.

The Initial Brief of Respondent and Designation of Matter are due to the Court today, pursuant to two previous extensions granted by the Court.

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 work required in other cases pending before this Court, the undersigned counsel is unable to complete this Brief on time. Since the last extension was granted in this matter, on August 7, 2023, the undersigned counsel filed an Initial Brief of Respondent and Designation of Matter in The State v. Maurice

Jerome Prioleau (2022-000449). On August 11, 2023, the undersigned counsel filed an Initial Brief of Respondent and Designation of Matter in The State v. Giovaani Aranza Gallegos (2021-000689). On that same date, the undersigned counsel filed a Return to Petition for Writ of Certiorari in The State v. Kenneth Earle McGill (2023-001020). On August 25, 2023, the undersigned counsel filed a Final Brief of Respondent in The State v. Samir Kevin Shank (2022-000650). On August 28, 2023, the undersigned counsel filed an Initial Brief of Respondent in The State v. Sheena Alston (2022-001305). On August 29, 2023, the undersigned counsel filed a Brief of Petitioner in The State v. Phillip Wayne Lowery (2022-000806). Counsel would therefore request an extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

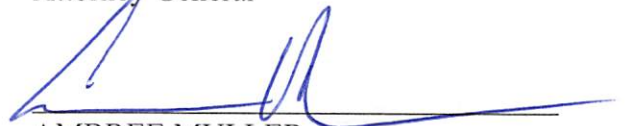
III.

This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared.

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 (30) days; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General



AMBREE MULLER
Assistant Attorney General
S. C. Bar No: 104213

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Post Office Box 11549
Columbia, SC 29211

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I have reviewed and approved this extension request. ATTORNEYS FOR RESPONDENT

By:  _____
Mark R. Farthing
Senior Assistant Deputy Attorney General

August 30, 2023

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Appellant.

PROOF OF SERVICE

I, Grace Sommer, certify that I have served the Motion for Extension of Time on Robert T. Williams, Sr., Esquire, Anna Williams Yonge, Esquire, and Jason Thomas Yonge, Esquire, counsel of record for the Appellant, by sending one copy by electronic mail to the address listed for counsel in AIS.

I further certify that all parties required by Rule to be served have been served.
This 30th day of July 2023.



GRACE SOMMER
Legal Assistant

Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737

Grace Sommer

From: Grace Sommer
Sent: Wednesday, August 30, 2023 11:23 AM
To: twilliams@wsblegal.com; Anna Yonge; Jason Yonge
Cc: Ambree Muller
Subject: The State v. Israel Mendoza Cervantes (2022-001214)
Attachments: CERVANTES Israel - Third Extension Request (IBOR) (03375617xD2C78).PDF

Good Morning Mr. Williams, Ms. Yonge, Mr. Yonge,

Attached please find a request 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. Israel Mendoza Cervantes (2022-001214). This request will be filed today with the South Carolina Court of Appeals via the AIS OneDrive System.

If you will, please confirm receipt of this email.

Thank you,

Grace Sommer, Legal Assistant
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scaq.gov



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