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Sep 29 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Spartanburg County
The Honorable J. Mark Hayes, II, Circuit Court Judge

Appellate Case No: 2022-000358

THE STATE,

Respondent,

vs.

WESLEY RAY KYZER,

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 Appellant 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 September 1, 2023, the undersigned counsel filed a Final Brief of Respondent in The State v. Eryk J'Von Smith (2022-000723). On

September 5, 2023, the undersigned counsel filed a Return to Petition for Writ of Certiorari in Darius Hamilton v. State of South Carolina (2023-000072). On September 12, 2023, the undersigned counsel filed a Final Brief of Respondent in The State v. Maurice Jerome Prioleau (2022-000449). On September 14, 2023, the undersigned counsel filed a Final Brief of Respondent in The State v. Jiovaani Aranza Gallegos (2021-000689). On September 20, 2023, the undersigned counsel filed a Return to Petition for Writ of Certiorari in Rajshun Bernard Foster v. State of South Carolina (2023-000687). On September 21, 2023, the undersigned counsel filed an Initial Brief of Respondent and Designation of Matter in The State v. Israel Mendoza Cervantes (2022-001214). Counsel would therefore request an extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

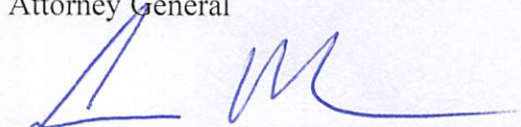
III.

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

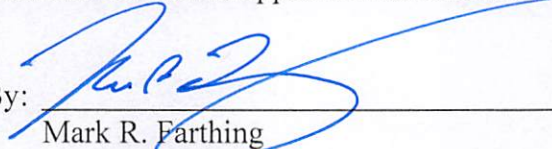
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211

(803) 734-3727

I have reviewed and approved this extension request.

ATTORNEYS FOR RESPONDENT

By:



Mark R. Farthing
Senior Assistant Deputy Attorney General

September 29, 2023

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PROOF OF SERVICE

I, Grace Sommer, certify that I have served the Motion for Extension of Time on C. Rauch Wise, 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 29th day of September, 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: Friday, September 29, 2023 9:59 AM
To: Rauch Wise
Cc: Ambree Muller
Subject: The State v. Wesley Ray Kyzer (2022-000358)
Attachments: KYZER Wesley - Third Extension Request (IBOR) (03400476xD2C78).PDF

Good Morning Mr. Wise,

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. Wesley Ray Kyzer (2022-000358). This request is being submitted to the South Carolina Court of Appeals via AIS OneDrive System.

If you will, please reply to confirm receipt of this email.

Thank you!

Grace Sommer, Legal Assistant
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