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Oct 16 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal From Chester County  
The Honorable Brian M. Gibbons, Circuit Court Judge  
Appellate Case No: 2022-001104

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THE STATE,

Respondent,

vs.

JAMES B. CURRY,

Appellant.

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**MOTION FOR EXTENSION OF TIME**

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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 and the South Carolina Supreme Court along with other extenuating circumstances, the undersigned counsel is unable to complete this Brief on time. On October 2, 2023, the undersigned counsel filed a Return to Petition for Writ of Certiorari in The State v. Sidney S. Moorer (2023-001240). The undersigned would therefore request an extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

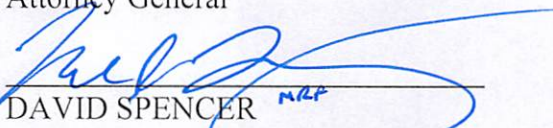
III.

This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared. The undersigned is currently experiencing a medical issue that temporarily keeps him from maintaining his normal work schedule, and most recently has required him to travel out of state for further treatment.

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,

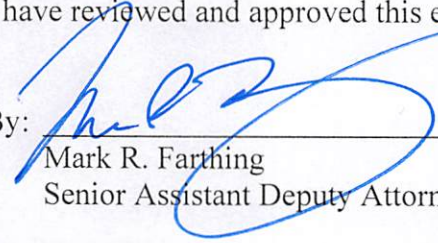
ALAN WILSON  
Attorney General

  
for DAVID SPENCER MRP

Senior Assistant Attorney General  
S. C. Bar No: 68571  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR RESPONDENT

I have reviewed and approved this extension request.

By:   
Mark R. Farthing  
Senior Assistant Deputy Attorney General

October 16, 2023

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**PROOF OF SERVICE**

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I, Grace Sommer, certify that I have served the Motion for Extension of Time on Jessica M. Saxon, Esquire, counsel of record for the Appellant, by sending it to her 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 16<sup>th</sup> day of October, 2023.



Grace Sommer  
Legal Assistant

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

## Grace Sommer

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**From:** Grace Sommer  
**Sent:** Monday, October 16, 2023 9:46 AM  
**To:** Saxon, Jessica  
**Cc:** David Spencer; Stock, Chris  
**Subject:** The State v. James B. Curry (2022-001104)  
**Attachments:** CURRY James - Third Extension Request (IBOR) (03412398xD2C78).PDF

Good Morning Ms. Saxon,

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. James B. Curry (2022-001104). 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  
South Carolina Attorney General's Office  
Criminal Appeals | Office 803-734-3835 | [gracesommer@scaq.gov](mailto:gracesommer@scaq.gov)  
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