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Nov 15 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Lancaster County
The Honorable Paul M. Burch, Circuit Court Judge

Appellate Case No: 2022-001459

THE STATE,

Respondent,

vs.

DAVID LOUIS HAYDEN,

Appellant.

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

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 yesterday, November 8, 2023, 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, the undersigned counsel prepared for

and completed a two-week trial ending on November 1, 2023, in The State v. Jamiek McCoy. Due to the amount of preparation and length of the trial, 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 allow the late filing of the motion for a third extension and 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,

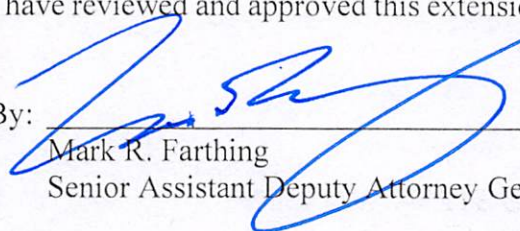
ALAN WILSON
Attorney General

JOSHUA A. EDWARDS
Assistant Attorney General


for _____
JERROD B. FUSSNECKER
Assistant Attorney General
S. C. Bar No: 102247

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I have reviewed and approved this extension request.

By: 
Mark R. Farthing
Senior Assistant Deputy Attorney General

ATTORNEYS FOR RESPONDENT

November 9, 2023

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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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The Honorable Paul M. Burch, Circuit Court Judge

Appellate Case No: 2022-001459

THE STATE,

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vs.

DAVID LOUIS HAYDEN,

Appellant.

PROOF OF SERVICE

I, Anne Mueller, certify that I have served the Motion for Extension of Time on Breen R. Stevens, 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 9th day of November, 2023.



Anne Mueller
Legal Assistant

Office of Attorney General
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From: [Anne Mueller](#)
To: breenstevens@gmail.com
Cc: [Scott Leverett \(sleverett@sccid.sc.gov\)](mailto:Scott.Leverett@sccid.sc.gov); [Josh Edwards](#); [Jerrod Fussnecker](#); [Anne Mueller](#)
Subject: State v. David Louis Hayden, 2022-001459
Date: Thursday, November 9, 2023 12:42:00 PM
Attachments: [image001.png](#)
[Hayden David - 2022-001459 - Motion For 3rd Extension Of Time Motion To File Motion For 3rd Extension Out Of Time \(03433527xD2C78\).PDF](#)

Good afternoon, Mr. Stevens.

Attached to this email is the State's Motion For A Third Extension and Motion To File Motion For Third Extension Out Of Time. We will be filing our motion electronically later today.

Sincerely,

Anne Mueller

ANNE A. MUELLER, Legal Assistant
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