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Nov 15 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 FOURTH 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 three 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 fourth 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 29, 2023, the undersigned counsel filed a Final Brief of Respondent in The State v. Sheena Alston (2022-001305). On

October 16, 2023, the undersigned counsel filed an Initial Brief of Appellant and Designation of Matter in The State v. Jonathan C. Dawkins (2023-000274). 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

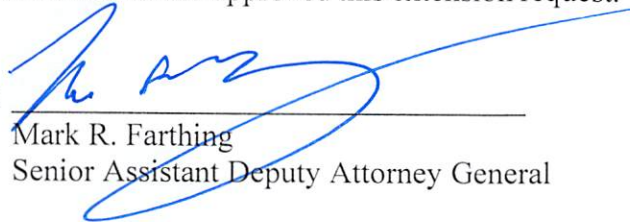


for AMBREE MULLER
Assistant Attorney General
S. C. Bar No: 104213


Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

I have reviewed and approved this extension request.

By: 

Mark R. Farthing
Senior Assistant Deputy Attorney General

By: 
Donald J. Zelenka
Deputy Attorney General

October 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 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 30th day of October, 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: Monday, October 30, 2023 2:21 PM
To: Rauch Wise
Cc: Ambree Muller
Subject: The State v. Wesley Ray Kyzer (2022-000358)
Attachments: KYZER Wesley - Fourth Extension Request (IBOR) (03424145xD2C78).PDF

Good Afternoon Mr. Wise,

Attached please find a request for a fourth 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 document will be filed today with the 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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