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Nov 15 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 FOURTH EXTENSION OF TIME WITHIN WHICH  
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT  
AND DESIGNATION OF MATTER**

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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 be served and filed on November 15, 2023.

**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. Earlier this week, the undersigned submitted the Initial Brief of Respondent and Designation of Matter in the Court of Appeals for State v. Terry Shaimek Tyler. Additionally, in the past few

weeks, the undersigned has participated in oral argument at the Supreme Court in State v. Randy Collins, State v. Gregg Pickrell, State v. Mutekis Jamar Williams, and United States of America v. Patrick Fitzgerald Clemons; has participated in oral argument at the Court of Appeals in State v. Ricky Manigo Dawson and State v. Jeremiah DiCapua; has filed a Petition for Rehearing in the Supreme Court in State v. Corey Jermaine Brown; has filed a Petition for Writ of Certiorari and Appendix in the Supreme Court in Justin Tyler Young v. State and Gabriel Rios v. State; has filed a Return to Petition for Writ of Certiorari in the Supreme Court in State v. Terrell Denard Knightner; and has filed a Final Brief of Respondent in the Court of Appeals in State v. Brittany Valencia Martin, State v. Joseph Martin Swaringen, State v. Jeffery Keyon Timothy Griffin, State v. Osman Uvaldo Jimenez Benitez, and State v. George Holmes. Along with that and other responsibilities—including supervisory and administrative ones—in the office, the undersigned counsel has prepared for and presented three distinct presentations on three separate days at the 2023 South Carolina Solicitors’ Annual Conference.

**III.**

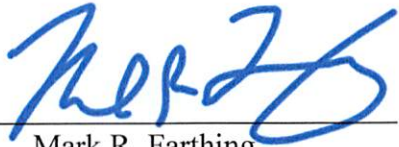
The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The Brief in the above-referenced case—which had previously been assigned to another attorney in the office—has required significant research because the case involves two important issues on appeal. The undersigned counsel is currently working on the Brief in this case and intends to have it finished in a timely manner. However, the undersigned counsel has not yet been able to finish the Brief due to a heavy workload, challenges that have resulted from staffing issues that continue to be experienced by the undersigned counsel’s office, and some other unexpected and significant issues that have arisen. Accordingly, in order to ensure the Brief is properly researched and prepared, I would therefore request an additional extension of time within which to serve and file the Brief.

**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 days from the date such relief is granted; hold the matter in abeyance pending a ruling on Respondent's motion; and grant such other and further relief as the Court may deem just and proper.

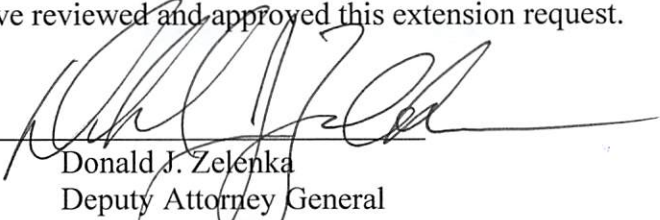
Respectfully submitted,

ALAN WILSON  
Attorney General

MARK R. FARTHING  
Senior Assistant Deputy Attorney General

By:   
Mark R. Farthing  
S.C. Bar Number 76901

I have reviewed and approved this extension request.

By:   
Donald J. Zelenka  
Deputy Attorney General

November 15, 2023

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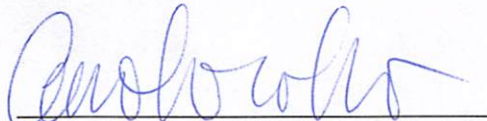
**PROOF OF SERVICE**

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I, Caroline Collins, certify I have served the within Motion for the Fourth Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by sending an electronic copy via email to the address listed in AIS for the following individual:

Jessica M. Saxon, Esquire  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, South Carolina 29211

I further certify all parties required by Rule to be served have been served.  
This 15<sup>th</sup> day of November, 2023.



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CAROLINE COLLINS  
Administrative Coordinator  
Office of the Attorney General

## Caroline Collins

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**From:** Caroline Collins  
**Sent:** Wednesday, November 15, 2023 1:03 PM  
**To:** Saxon, Jessica  
**Cc:** Mark Farthing; Stock, Chris  
**Subject:** The State v. James B. Curry (2022-001104)  
**Attachments:** Curry.Fourth Extension Request (IBOR) (03437282xD2C78).PDF

Good Afternoon Ms. Saxon,

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. 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,

**CAROLINE COLLINS**, Administrative Coordinator  
South Carolina Attorney General's Office  
Criminal Appeals | Office 803-734-3723 | [ccollins@scag.gov](mailto:ccollins@scag.gov)  
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