

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

**RECEIVED**

**Nov 17 2023**

S.C. SUPREME COURT

Appeal from Spartanburg County  
Honorable William A. McKinnon, Circuit Court Judge  
Appellate Case Tracking No. 2023-000560

Jarvis Stripling,

Petitioner.

vs.

The State,

Respondent.

**MOTION OUT OF TIME FOR THIRD EXTENSION  
WITHIN WHICH TO SERVE AND FILE  
RETURN TO PETITION FOR WRIT OF CERTIORARI**

Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

The Return To The Petition For Writ Of Certiorari was due to be served and filed on November 15, 2023. Due to an oversight, an extension was not requested and the return was not filed. The undersigned asks this Court to accept the motion out of time.

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 Court of Appeals, I am unable to complete this return on time. Since the last extension was requested in this case, the

undersigned completed and filed the Final Brief Of Respondent in State v. Donald Pollock (2022-000485) on October 19, 2023; the Initial Brief and Designation of Matter in State v. Nevelle Joshua Eberhart (2023-000234) on October 20, 2023; Returns To Petitions For Writ Of Certiorari in Tammy Moorer v. State (2018-001938) on October 26, 2023 and in Geordi Heyward v. State (2022-000710) on October 30, 2023. In addition, I represented and argued for the State before Court of Appeals in Carnie Norris v. State (2019-000334) on November 7, 2023. I would therefore request an extension of time within which to serve and file the Return To Petition For Writ Of Certiorari.


III.

This extension request is not intended for purposes of delay, but rather to ensure the return is properly researched and prepared. I would therefore request a third extension of time within which to serve and file the Return To Petition For Writ Of Certiorari.

WHEREFORE, Respondent prays that the Court hold this matter in abeyance until ruling on this motion, and extend the deadline for the service and filing of the Return To Petition For Writ Of Certiorari in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

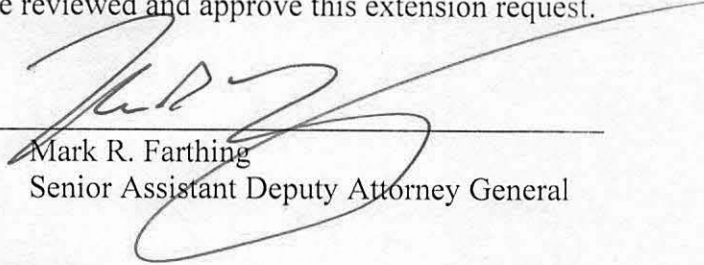
  
\_\_\_\_\_  
JOSHUA A. EDWARDS  
Assistant Attorney General

Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR RESPONDENT

I have reviewed and approve this extension request.

By:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read 'Mark R. Farthing'.

Mark R. Farthing  
Senior Assistant Deputy Attorney General

STATE OF SOUTH CAROLINA

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JARVIS STRIPLING,

Petitioner,

vs.

THE STATE,

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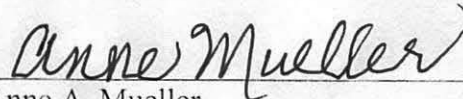
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**PROOF OF SERVICE**

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I, Anne A. Mueller, certify that I have served the Motion Out Of Time For Third Extension Of Time Within Which To Serve And File Return To Petition For Writ Of Certiorari on Sarah Elizabeth Shipe, counsel of record for the Petitioner, 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 November 2023.



Anne A. Mueller  
Office of Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3727

**From:** [Anne Mueller](#)  
**To:** [sshipe@sccid.sc.gov](mailto:sshipe@sccid.sc.gov)  
**Cc:** [McInnis, Sara](#); [Josh Edwards](#)  
**Bcc:** [Victim Services](#)  
**Subject:** Jarvis Stripling v. The State, 2023-000560  
**Date:** Thursday, November 16, 2023 4:08:00 PM  
**Attachments:** [image001.png](#)  
[Stripling Jarvis - 2023-000560 - Motion Out Of Time For Third Within Which To Serve And File RPWC \(03438642xD2C78\).PDF](#)

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Good afternoon, Ms. Shipe.

Attached to this email is the State's Motion Out Of Time For Third Extension Within Which To Serve And File Return To Petition For Writ Of Certiorari. We will be filing this motion electronically using the Court's AIS One Drive system.

Sincerely,

Anne Mueller

**ANNE A. MUELLER**, Legal Assistant  
Office of the South Carolina Attorney General  
Criminal Appeals Division  
Office 803-734-3727  
P.O. Box 11549 • Columbia SC 29211  
[scag.gov](http://scag.gov)



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