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Nov 28 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County
Honorable Eugene C. Griffith, Jr., Circuit Court Judge
Appellate Case No. 2023-000943

THE STATE,

Appellant,

vs.

JUSTIN TYLER ANDERSON,

Respondent.

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

Appellant (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Initial Brief of Appellant and Designation of Matter are due to be served and filed on November 28, 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 State moves for a **third** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. Yesterday, the undersigned filed a Return to Petition for Writ of Certiorari in the Supreme Court in State v. Jamie Goss and State v.

Kayla Marie Cook. Additionally, in the past few weeks, the undersigned has filed a Return to Petition for Rehearing in the Court of Appeals in State v. Ricky Manigo Dawson; has participated in oral argument at the Court of Appeals in State v. Jeremiah DiCapua and George Moses v. State; has filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in State v. Terry Shaimmek Tyler; has filed a Petition for Writ of Certiorari and Appendix in the Supreme Court in Gabriel Rios v. State; and has filed a Final Brief of Respondent in the Court of Appeals in State v. Jeffery Keyon Timothy Griffin, State v. Osman Uvaldo Jimenez Benitez, and State v. George Holmes. Along with that, the undersigned counsel has attended to other responsibilities—including supervisory and administrative ones—in the office.

III.

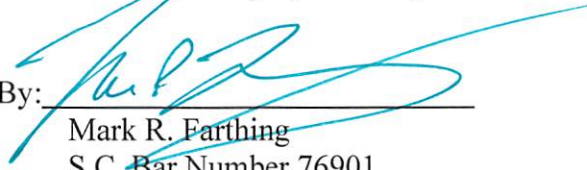
The undersigned counsel submits this extension request is supported by good cause and is not intended for purposes of delay. The Brief in the above-referenced case involves an important issue related to a grant of immunity pursuant to the South Carolina Protection of Persons and Property Act. The undersigned 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, other significant challenges that have resulted from substantial staffing issues that continue to be experienced by the undersigned counsel's office, and other matters that have required the undersigned counsel's attention. 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, Appellant prays that the Court extend the deadline for the service and filing of the Initial Brief of Appellant 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 Appellant's motion; and grant such other and further relief as the Court may deem just and proper.

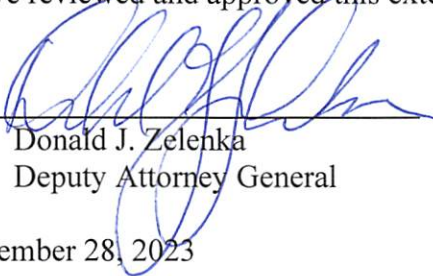
Respectfully submitted,

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

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PROOF OF SERVICE

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

Leland B. Greeley, Esquire
Post Office Box 2981
Rock Hill, South Carolina 29732

I further certify all parties required by Rule to be served have been served.
This 28th day of November, 2023.



CAROLINE COLLINS
Administrative Coordinator
Office of the Attorney General

Caroline Collins

From: Caroline Collins
Sent: Tuesday, November 28, 2023 3:21 PM
To: lgreeley@lbgreeleylaw.com
Cc: Mark Farthing
Subject: The State v. Justin Tyler Anderson (2023-000943)
Attachments: Anderson.Third Extension Request (IBOA) (03445436xD2C78).PDF

Good Afternoon Mr. Greeley,

Attached please find a request for a third extension of time within which to serve and file the Initial Brief of Appellant and Designation of Matter in The State v. Justin Tyler Anderson (2023-000943). 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
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Criminal Appeals | Office 803-734-3723 | ccollins@scag.gov
P.O. Box 11549 | Columbia, SC 29211
scag.gov



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