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Dec 06 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County

Jennifer B. McCoy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MARCUS A. WIGFALL,

APPELLANT

APPELLATE CASE NO. 2023-000236

MOTION FOR AN EXTENSION OF TIME TO
SERVE AND FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

Counsel for Marcus A. Wigfall respectfully requests a **fourth and final thirty (30) day extension from December 6, 2023 until January 5, 2024**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth request for an extension. In support of this request, counsel shows:

1. The Initial Brief of Appellant and Designation of Matter in this case are due to be served and filed with the Court today.
2. Counsel for Marcus A. Wigfall respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the

number of extensions previously granted and the order in which counsel attempts to manage her caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Manly M. Thompson with this Court on December 1, 2023. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Ray Kelly with this Court on November 28, 2023. Counsel filed the Petition for Rehearing in the case of The State v. Rodney Jerome Furtick with this Court on November 27, 2023. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Robert L. Moore v. The State with the Supreme Court on November 22, 2023. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Eric Anton Graham with this Court on November 17, 2023. Counsel filed the Petition for Writ of Certiorari, the Petition for Writ of Certiorari pursuant to Austin v. State, and Appendix in the case of Henry Dukes v. The State with the Supreme Court on November 13, 2023.

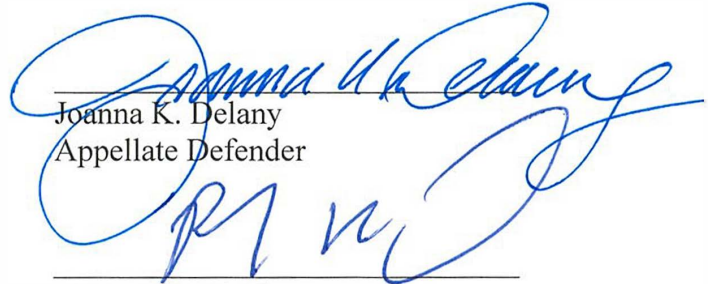
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. On December 4, 2023, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through December 31, 2023.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from December 6, 2023 until January 5, 2024**, in which to serve and

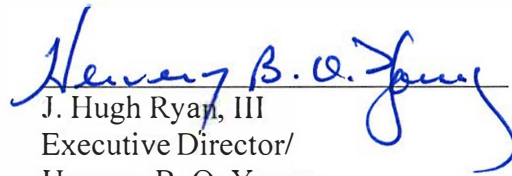
file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

Respectfully submitted,



Joanna K. Delany
Appellate Defender

Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervery B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training Director

This 6th day of December, 2023.

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CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion for Extension in the above-referenced case has been served upon Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 6th day of December, 2023.


Joanna K. Delany
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Warren, Kaylynn](#)
To: [Mark Farthing](#)
Cc: [Delany, Joanna](#); [Caroline Collins](#)
Subject: 2023-000236 The State v. Marcus A. Wigfall
Date: Wednesday, December 6, 2023 9:06:00 AM
Attachments: [2023-000236 The State v. Marcus A. Wigfall Fourth Motion for Extension and COS.pdf](#)

Good Morning,

Attached for service in the above-referenced case is the Fourth Motion for Extension which will be filed today, December 6, 2023, with the Court of Appeals via email filing.

Respectfully,

Kaylynn

Kaylynn Warren

Administrative Assistant

South Carolina Commission on Indigent Defense

Division of Appellate Defense

(803) 734-1330