

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Sumter County  
Honorable Kristi F. Curtis, Circuit Court Judge  
Appellate Case No. 2022-001428

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THE STATE,

Respondent,

vs.

JOQUELL WAYNE MYERS,

Appellant.

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

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

**I.**

The Initial Brief of Respondent and Designation of Matter are due to be served and filed on December 13, 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. Earlier today, the undersigned counsel filed a Return to Petition for Writ of Certiorari in the Supreme Court in Alqi Dhimo v.

State. Additionally, in the past few weeks, the undersigned counsel has filed a Return to Petition for Writ of Certiorari in the Supreme Court in State v. Jamie Goss and State v. Kayla Marie Cook; has filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in State v. Terry Shaimek Tyler and State v. Reginald Da’Aron Campbell; has filed a Return to Petition for Rehearing in the Court of Appeals in State v. Ricky Manigo Dawson; and has participated in oral argument at the Court of Appeals in State v. Jeremiah DiCapua, George Moses v. State, and John Upson v. State. Along with that, the undersigned counsel has attended to other responsibilities—including supervisory and administrative ones—in the office. Included amongst those supervisory responsibilities, the undersigned counsel assisted one of the newer attorneys in the office prepare for his first oral argument and was present throughout the oral argument, which was held December 5, 2023, at the Court of Appeals, based on the requirements of Rule 403 of the South Carolina Appellate Court Rules.

### III.

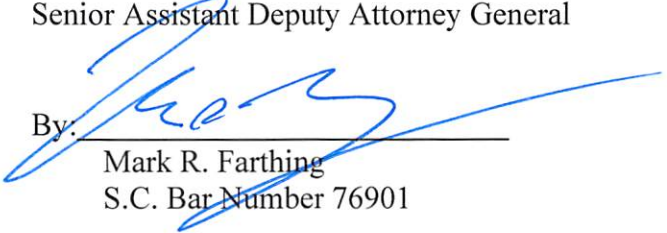
The undersigned counsel submits this extension request is supported by good cause and is not intended for purposes of delay. The Brief in the above-referenced case involves two important issues related to the presentation of a mutual combat jury instruction during trial. The undersigned counsel is currently 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 some unanticipated 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**, 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.

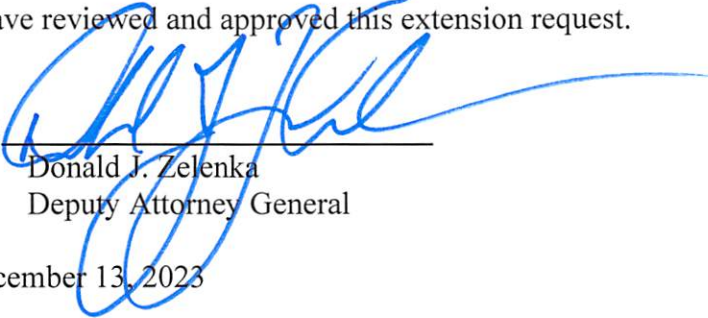
Respectfully submitted,

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

December 13, 2023

**Dec 13 2023**

**SC Court of Appeals**

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THE STATE,

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**PROOF OF SERVICE**

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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 Respondent and Designation of Matter on Appellant by sending an electronic copy via email to the addresses listed in AIS for the following individuals:

Lewis Hartwell Warr and Robert R. Young, Jr., Esquires  
23 West Calhoun Street  
Sumter, South Carolina 29150

I further certify all parties required by Rule to be served have been served.  
This 13<sup>th</sup> day of December, 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, December 13, 2023 4:35 PM  
**To:** lwarr@sumterattorney.com; kyoung@sumterattorney.com  
**Cc:** Mark Farthing  
**Subject:** The State v. Joquell Wayne Myers (2022-001428)  
**Attachments:** Myers.Third Extension Request (IBOR) (03458017xD2C78).PDF

Good Afternoon Mr. Warr and Mr. Young,

Attached please find a request for a third extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter in The State v. Joquell Wayne Myers (2022-001428). This request will be submitted to the South Carolina Court of Appeals today via the AIS One Drive System.

If you will, please reply to confirm receipt of this email.

Thank you,

**CAROLINE COLLINS**, Administrative Coordinator  
South Carolina Attorney General's Office  
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