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Dec 13 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Greenville County
The Honorable G.D. Morgan, Jr., Circuit Court Judge

Appellate Case No: 2022-001293

STATE OF SOUTH CAROLINA,

Respondent,

vs.

MICHAEL J. KENNEDY,

Appellant.

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

Respondent (“the State”), 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 the Court today, pursuant to three previous extensions granted by the Court.

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 **fourth** extension in the above referenced appeal. Due to work required in other cases pending before this Court and the South Carolina Supreme Court, the undersigned counsel is unable to complete this Brief on time. Earlier this week, the undersigned counsel filed a Return to Petition for Writ of Certiorari in The State v. Sylvester D. Scott

(2023-000624). Additionally, since the last extension, undersigned counsel has filed an Initial Brief of Respondent and Designation of Matter in The State v. Wesley Ray Kyzer (2022-000358) and filed a Final Brief of Respondent in The State v. Shannon L. Bone (2022-000873). Counsel would therefore request an extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

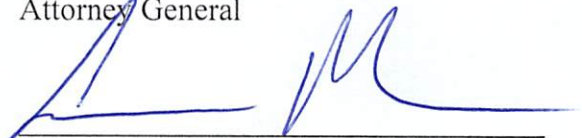
III.

The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared. The undersigned counsel is currently working on the Brief in this case and intends to have it finished in a timely manner.

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 (30) days; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General




AMBREE MULLER
Assistant Attorney General
S. C. Bar No: 104213

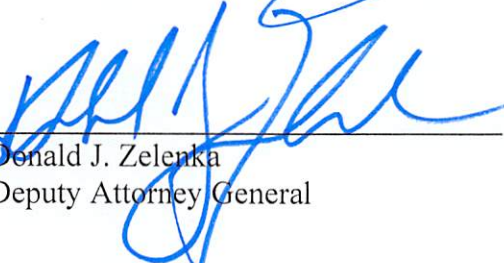
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

I have reviewed and approved this extension request.

By: 

Mark R. Farthing
Senior Assistant Deputy Attorney General

By: 

Donald J. Zelenka
Deputy Attorney General

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PROOF OF SERVICE

I, Grace Sommer, certify that I have served the Motion for Extension of Time on Kathrine H. Hudgins, Esquire, counsel of record for the Appellant, by sending one copy 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 13th day of December, 2023.



GRACE SOMMER
Legal Assistant

Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737

Grace Sommer

From: Grace Sommer
Sent: Wednesday, December 13, 2023 2:08 PM
To: Hudgins, Kathrine
Cc: Stock, Chris; Ambree Muller
Subject: The State v. Michael J. Kennedy (2022-001293)
Attachments: KENNEDY Michael - Fourth Extension Request (IBOR) (03457751xD2C78).PDF

Good Afternoon Ms. Hudgins,

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. Michael Justin Kennedy (2022-001293). This request is being submitted to the South Carolina Court of Appeals via AIS OneDrive System.

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

Thank you!

Grace Sommer, Legal Assistant
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