

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 FOURTH 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 January 3, 2024.

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 **fourth** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. Today, the undersigned counsel intends to file an Initial Brief of Respondent and Designation of Matter in the Court of Appeals

in State v. Mazar Nathaniel Sturdivant. Additionally, in the past few weeks, the undersigned counsel has filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in State v. Reginald Da’Aron Campbell and State v. Mathia Lamont Chambers; filed a Return to Petition for Writ of Certiorari in the Supreme Court Alqi Dhimo v. State and Steven Scruggs v. State; and has participated in oral argument at the Court of Appeals in 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 extraordinary circumstances 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: /s/ Donald J. Zelenka
Donald J. Zelenka
Deputy Attorney General

January 3, 2024

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SC Court of Appeals

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THE STATE,

Appellant,

vs.

JUSTIN TYLER ANDERSON,


Respondent.

PROOF OF SERVICE

I, Caroline Collins, certify I have served the within Motion for the Fourth 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 3rd day of January, 2024.



CAROLINE COLLINS
Administrative Coordinator
Office of the Attorney General