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Jan 11 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County

Honorable William A. McKinnon, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICHAEL LINDSAY FAILE,

APPELLANT

APPELLATE CASE NO. 2023-001055

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

Counsel for Michael Lindsay Faile respectfully requests a thirty (30) day extension from January 11, 2024, until February 12, 2024, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third 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 today.
2. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Jeremiah Johnson v. The State with the Supreme Court on January 8, 2024. Counsel filed the


Initial Brief of Appellant and Designation of Matter in the case of The State v. Celia Windham with the Court of Appeals on January 5, 2024. Counsel filed the Return to Petition for Writ of Certiorari in the case of Mitchell Rivers v. The State with the Supreme Court on January 2, 2024. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Lillian Mae Bates with the Court of Appeals on December 11, 2023. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Anthony M. Wise v. The State with the Supreme Court on December 6, 2023. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Michael Kelley v. The State with the Supreme Court on November 27, 2023. Counsel had an oral argument in the case of George N. Moses v. The State before the Court of Appeals on November 11, 2023. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Jodi Stapleton v. The State with the Supreme Court on October 16, 2023. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Douglas S. Turner with the Court of Appeals on October 5, 2023. Counsel filed the Brief of Petitioner in the case of Holly Jo Thompson v. The State with the Court of Appeals on September 28, 2023.

3. This request is made in good faith, and not for purposes 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.

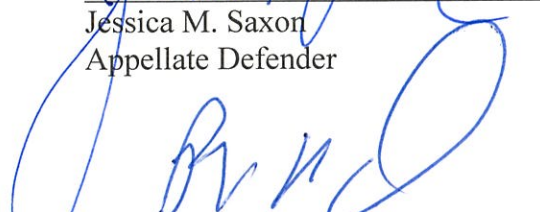
4. On January 2, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through January 31, 2024.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from January 11, 2024, until February 12, 2024. Counsel respectfully requests that the time limits for filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Jessica M. Saxon
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 11th day of January, 2024.

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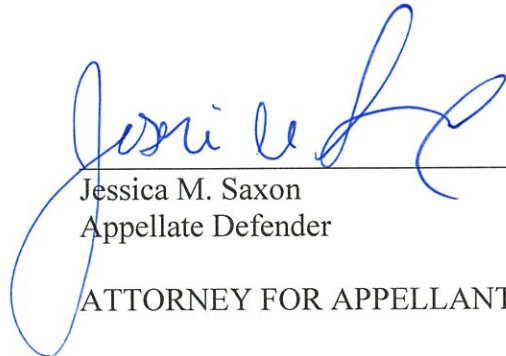
MICHAEL LINDSAY FAILE,

APPELLANT

APPELLATE CASE NO. 2023-001055

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 11th day of January, 2024.



Jessica M. Saxon
Appellate Defender
ATTORNEY FOR APPELLANT

From: [Stock, Chris](#)
To: [Mark Farthing](#); [SC - COLLINS CAROLINE](#)
Cc: [Saxon, Jessica](#)
Subject: Faile, M - 3rd extension for brief and designation - 2023-001055
Date: Thursday, January 11, 2024 11:42:02 AM
Attachments: [Faile, M - 3rd extension for brief and designation - 2023-001055.pdf](#)

Mr. Farthing,

Please find attached for service the 3rd Request for Extension for Initial Brief of Appellant and Designation of Matter for Michael Lindsay Faile's appeal which will be filed today with the Court of Appeals.

Thank you.

Chris

Chris Stock
Administrative Assistant
Commission on Indigent Defense
Appellate Division
(803) 734-1330