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Jan 16 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

On Writ of Certiorari to Georgetown County
Honorable William H. Seals, Circuit Court Judge
Appellate Case No. 2020-0000966

DENNIS CUMBEE, JR.,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

**MOTION FOR FOURTH EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE BRIEF OF RESPONDENT**

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

I.

The Brief of Respondent is due to be served and filed on January 16, 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 appeal in and asks for an additional thirty days to complete the brief in this case. Since the last extension in this case, the undersigned counsel filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in The State v. Ariel S. Robinson (2022-000716). Additionally, the undersigned

counsel filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in The State v. Kenneth Wayne Signor, Sr. (2023-000575); a Return to Petition for Writ of Certiorari in the Supreme Court in The State v. Jerome Smith (2023-001945); and has filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in The State v. Michael Justin Kennedy (2022-001293).

III.

The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. 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. Accordingly, in order to ensure the Brief is properly researched and prepared, I would therefore request a fourth extension of time within which to serve and file the Brief.

IV.

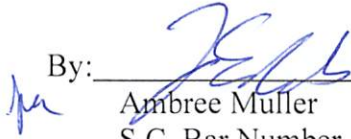
Please be advised that the State and Appellate Defense continue to consent to any requests for extensions or out-of-time filings. This limited consent applies to requests up to and including January 31, 2024.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Brief of Respondent 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.

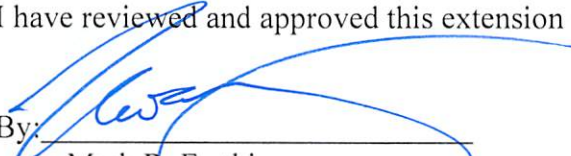
Respectfully submitted,


ALAN WILSON
Attorney General

AMBREE MULLER
Assistant Attorney General

By: 
Ambree Muller
S.C. Bar Number 104213

I have reviewed and approved this extension request.

By: 
Mark R. Farthing
Senior Assistant Deputy Attorney General

By: 
Donald J. Zelenka
Deputy Attorney General

January 16, 2024

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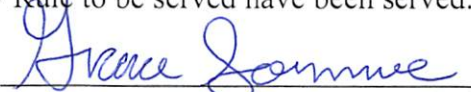
Respondent.

PROOF OF SERVICE

I, Grace Sommer, certify I have served the within Motion for Fourth Extension of Time Within Which to Serve and File Brief of Respondent on Petitioner by sending an electronic copy via email to the address listed in AIS for the following individual:

Kathrine H. Hudgins, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify all parties required by Rule to be served have been served.
This 16th day of January, 2024.



GRACE SOMMER
Legal Assistant

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