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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Feb 15 2024

SC Court of Appeals

Appeal from Beaufort County  
The Honorable Robert J. Bonds, Circuit Court Judge  
Appellate Case No. 2022-001044

THE STATE,

Respondent,

vs.

SHEMUAL NAHUM BEN YISRAEL,

Appellant.

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

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 February 15, 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 **fifth** extension in the above-referenced criminal appeal 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 a Final Brief of Respondent in the Court of Appeals in The State v.

Haneef Aquil Childs (2021-000688). Additionally, in the past few weeks, the undersigned counsel has filed an Initial Brief of Respondent in the Court of Appeals in The State v. William Lee Roseboro, Jr. (2022-001551); a Return to Petition for Writ of Certiorari in the South Carolina Supreme Court in The State v. Allen Williams, Jr. (2023-000547); an Final Brief of Respondent in the Court of Appeals in The State v. Ariel S. Robinson (2022-000716); and a Final Brief of Respondent in The State v. Wesley Ray Kyzer (2022-000358).

### III.

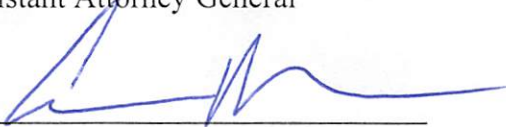
The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The Brief in the above-referenced case has required significant research because the case involves two important issues. The undersigned counsel is currently working 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. 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,

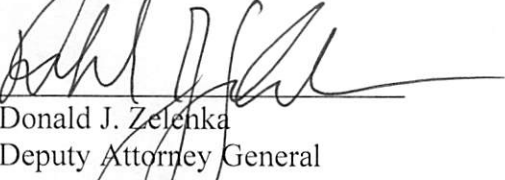
ALAN WILSON  
Attorney General

AMBREE M. MULLER  
Assistant Attorney General

By:   
Ambree M. 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

February 15, 2024

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**PROOF OF SERVICE**

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I, Grace Sommer, certify I have served the within Motion for Fifth 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 address listed in AIS for the following individual:

Joanna K. Delany, 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 15th day of February, 2024.



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GRACE SOMMER  
Legal Assistant  
Office of the Attorney General