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Feb 15 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Chester County
The Honorable Brian M. Gibbons, Circuit Court Judge
Appellate Case No. 2022-001104

THE STATE,

Respondent,

vs.

JAMES B. CURRY,

Appellant.

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

Respondent, 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 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 Respondent moves for a seventh and **final** extension in the above referenced appeal. In the past few weeks, the undersigned counsel has filed an Initial Brief of Appellant and Designation of Matter in the Court of Appeals in State v. Justin Tyler Anderson; has filed an Initial Brief of Respondent and Designation of Matter in the Court of Appeals in State v. Dlanor Phillip Tilton; has filed a Return to Petition for Rehearing in the Court of Appeals in State v.

Charles Dent; and has filed a Final Brief of Respondent in the Court of Appeals in State v. Mazar Nathaniel Sturdivant, State v. Mathia Lamont Chambers, and State v. Reginald Da' Aron Campbell. Along with that, the undersigned counsel has attended to other responsibilities—including supervisory and administrative ones—in the office, has prepared for and presented at a continuing legal education seminar for solicitors on behalf of the South Carolina Commission on Prosecution Coordination, and has prepared materials for a continuing legal education seminar that will be conducted later this month by the South Carolina Bar.

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—which had previously been assigned to another attorney in the office—has required significant research because the case involves two important issues on appeal. 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, challenges that have resulted from staffing issues that continue to be experienced by the undersigned counsel's office, and some other unexpected and significant issues that have arisen. Accordingly, in order to ensure the Brief is properly researched and prepared, I would therefore request one final extension of time within which to serve and file the Brief. The undersigned counsel does not believe any further extensions will be needed in this matter.

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

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: 

Donald J. Zelenka
Deputy Attorney General

February 15, 2024

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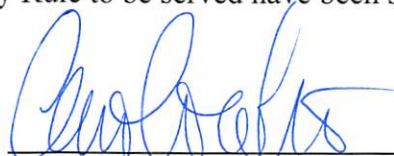
Appellant.

PROOF OF SERVICE

I, Caroline Collins, certify I have served the within Motion for the Seventh 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:

Jessica M. Saxon, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29211

I further certify all parties required by Rule to be served have been served.
This 15th day of February, 2024.



CAROLINE COLLINS
Administrative Coordinator
Office of the Attorney General