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Mar 04 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Orangeburg County
The Honorable Eugene C. Griffith, Circuit Court Judge
Appellate Case No. 2023-000544

THE STATE,

Respondent,

vs.

KAREEM LAMELL WALLACE,

Appellant.

**MOTION FOR FOURTH 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 March 4, 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. In the past few weeks, the undersigned counsel filed a Final Brief of Respondent in the Court of Appeals in The State v.

Ariel S. Robinson (2022-000716); a Final Brief of Respondent in the Court of Appeals in The State v. Wesley Ray Kyzer (2022-000358); a Petition for Writ of Certiorari and Appendix in the South Carolina Supreme Court in The State v. Donnielle K. Matthews (2024-000255); a Brief of Respondent in the Court of Appeals in Dennis Cumbee, Jr. v. State of South Carolina (2020-000966); and a Final Brief of Respondent in the Court of Appeals in The State v. William Lee Roseboro, Jr. (2022-001551).

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

March 4, 2024

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Appellant.

PROOF OF SERVICE

I, Grace Sommer, certify I have served the within Motion for Fourth 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:

Elizabeth Franklin-Best, Esquire
Elizabeth Franklin-Best, P.C.
3710 Landmark Drive
Suite 113
Columbia, SC 29204

I further certify all parties required by Rule to be served have been served.
This 4th day of March, 2024.



GRACE SOMMER
Legal Assistant
Office of the Attorney General