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May 08 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Greenwood County
Honorable G. D. Morgan, Jr., Circuit Court Judge

Appellate Case No. 2023-000126

STATE OF SOUTH CAROLINA,

Respondent,

vs.

RANDY LEE FLOWER,

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 today, May 8, 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. In the 30 days since the undersigned last requested an extension, he has filed Briefs of Respondent in State v. Phillip Guderyon (2023-000633) and in Cephas Cowick v. State (2021-001155); an Initial Brief of Respondent and

Designation of Matter in State v. Terrence O. Frazier (2023-001439); Returns to Petitions for Writ of Certiorari in State v. Andres F. Posso (2022-001396) and State v. Quintus D. Faison (2024-000415); and Final Briefs of Respondent in State v. Eugene Turner, Jr. (2022-001287) and State v. Markevious M. Reid (2022-001384).

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 due to a heavy workload. Accordingly, 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,

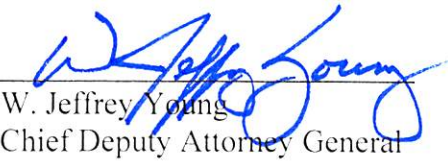
ALAN WILSON
Attorney General

JOSHUA A. EDWARDS
Assistant Attorney General

By: 
Joshua A. Edwards
S.C. Bar Number 101188

We have reviewed and approved this extension request.

By: 
Mark R. Farthing
Senior Assistant Deputy Attorney General

By: 
W. Jeffrey Young
Chief Deputy Attorney General

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PROOF OF SERVICE

I, Anne Mueller, certify I have served the Motion For Fifth Extension Of Time Within Which To Serve And File Initial Brief Of Respondent And Designation Of Matter on Elizabeth A. Franklin-Best, Esquire and Jillian Marie Lesley, Esquire, counsel for the Appellant, by sending an electronic copy to the email to the address listed for counsel in AIS.

I further certify all parties required by Rule to be served have been served.
This 8th day of May 2024.



Anne Mueller
Legal Assistant

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