

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Richland County  
The Honorable Clifton Newman, Circuit Court Judge  
Appellate Case No. 2023-000597

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THE STATE,

Respondent,

vs.

MARTIN DIXON,

Appellant.

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

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

1. The Initial Brief of Respondent and Designation of Matter are due to be served and filed on August 2, 2024, pursuant to four previous extensions granted by the Court.

2. 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.

3. Counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. Counsel is 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. Counsel also has supervisory duties over a section in the Attorney General's office that have required substantial attention in the past several months. Accordingly, in order to ensure the Brief is properly researched and prepared, counsel would therefore request an additional extension of time within which to serve and file the Brief.

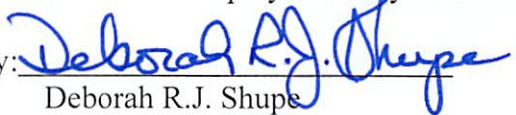
4. Please be advised that the State and Appellate Defense continue to consent to any requests for extensions or out-of-time filings. This limited consent applies to requests up to and including August 31, 2024.

**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.

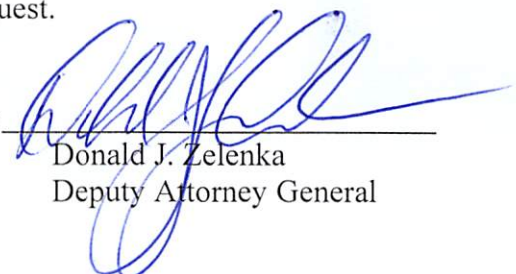
Respectfully submitted,

ALAN WILSON  
Attorney General

DEBORAH R.J. SHUPE  
Senior Assistant Deputy Attorney General

By:   
Deborah R.J. Shupe  
S.C. Bar Number 5098

I have reviewed and approved this extension request.

By:   
Donald J. Zelenka  
Deputy Attorney General

August 2, 2024

**RECEIVED**

**Aug 02 2024**

**SC Court of Appeals**

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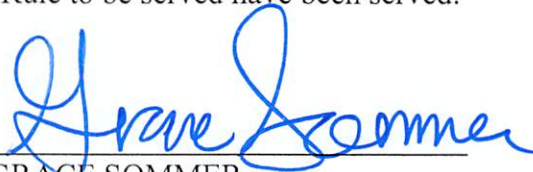
**PROOF OF SERVICE**

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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:

Gary H. Johnson, II, Esquire  
S.C. Commission on Indigent Defense  
PO Box 11589  
Columbia, SC 29211-1589

I further certify all parties required by Rule to be served have been served.  
This 2<sup>nd</sup> day of August, 2024.

  
\_\_\_\_\_  
GRACE SOMMER  
Legal Assistant  
Office of the Attorney General