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Nov 18 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Spartanburg County  
The Honorable R. Keith Kelly, Circuit Court Judge  
Appellate Case No. 2024-000439

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THE STATE,

Respondent,

vs.

CODY HUDSON,

Appellant.

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**MOTION FOR FOURTH 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:

**I.**

The Initial Brief of Respondent and Designation of Matter are due to be served and filed on November 18, 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 has filed a Return to Petition for Writ of Certiorari and a Brief of

Respondent Pursuant to White v. State in the South Carolina Supreme Court in Gerald A. Gadsden v. State of South Carolina (2024-000153), an Initial Brief of Respondent and Designation of Matter in the South Carolina Court of Appeals in The State v. Justin Ray Medford (2024-000525); and a Return to Petition for Writ of Certiorari in the South Carolina Supreme Court in The State v. Johnathan Olin Batchelor (2024-001579).

### III.

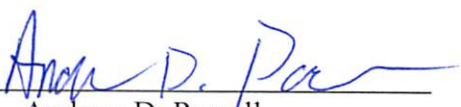
The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The undersigned counsel is currently working on the Brief in this case and intends to have it finished in a timely manner. However, the undersigned counsel has not yet been able to finish the Brief due to a heavy workload. Accordingly, 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

ANDREW D. POWELL  
Assistant Attorney General

By:   
Andrew D. Powell  
S.C. Bar Number 106415

I have reviewed and approved this extension request.

By:   
Mark R. Farthing  
Senior Assistant Deputy Attorney General

By:   
Donald J. Zelenka  
Deputy Attorney General

November 18, 2024

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THE STATE,

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**PROOF OF SERVICE**

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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 E. Charles Grose to the address listed in AIS.

I further certify all parties required by Rule to be served have been served.  
This 18<sup>th</sup> day of November, 2024.



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GRACE SOMMER  
Legal Assistant  
Office of the Attorney General