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Dec 13 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
The Honorable Walton J. McLeod, IV, Circuit Court Judge
Appellate Case No. 2023-000733

THE STATE,

Respondent,

vs.

MORGAN DAYLE CARR,

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 move for a fifth extension of time in which to file the Initial Brief and Designation of Matter in the above-captioned direct appeal. The Initial Brief of Respondent and Designation of Matter are due to be served and filed today, December 12, 2024, pursuant to four previous extensions granted by the Court. Respondent 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. Counsel submits this extension request is supported by good cause and is not intended for purposes of delay for the following reasons:

Counsel has been unable to complete work on this brief due to other obligations over the past thirty days due to being designated to complete the following matters as a recently sworn in attorney of the South Carolina Bar, to include the following:

1. Counsel prepared the proposed order of dismissal in the post-conviction relief action of *Braxton Hare v. The State*, Case No. 2020-CP-23-0736, and forwarded the same to the presiding judge for consideration on November 15, 2024;

2. Counsel prepared and filed the Return to Petition for Writ of Certiorari on November 18, 2024, in the matter of *Jeremy Alan Watson v. The State*, Appellate Case No. 2024-000299, a matter pending in the South Carolina Supreme Court;

3. Counsel filed the Return to Petition for Writ of Certiorari on November 20, 2024, in the matter of *Kevin Mark Willson v. The State*, Appellate Case No. 2024-000161, a matter pending in the South Carolina Supreme Court;

4. Counsel filed the Brief of Respondent on November 20, 2024, in the matter of *Ronnie Swofford v. The State*, Appellate Case No. 2021-001436, pending in this Court;

5. Counsel filed the Initial Brief of Respondent and Designation of Matter on December 3, 2023, in the matter of *The State v. Adam Don Lawless*, Appellate Case No. 2023-000636, a matter pending in this Court;

6. Counsel filed the Initial Brief of Respondent on December 3, 2024, in the matter of *The State v. Fanotti Nacier Neal*, Appellate Case No. 2023-001792, a matter pending in this Court;

7. Counsel drafted the proposed Order of Dismissal in the non-capital PCR matter of *Jaquese Hyatt v. The State*, Case No. 2021-CP-23-1199, and forwarded the same to opposing counsel on December 6, 2024.

The undersigned has been designated to complete the briefing in this matter and has made substantial progress toward completion. The undersigned understands that Appellant's counsel consents to the requested extension of time within which to serve and file the Initial Brief of Respondent and Designation of 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

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

KAYLEE C. KEMP
Assistant Attorney General
kayleekemp@scag.gov
S.C. Bar No: 107073


By: 
KAYLEE C. KEMP

ATTORNEYS FOR THE RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-6307

December 12, 2024

I support the finding of good cause.

By: 
DONALD J. ZELENKA
Deputy Attorney General

I, too, support the finding of good cause.

By: 
W. JEFFREY YOUNG
Chief Deputy Attorney General

December 12, 2024

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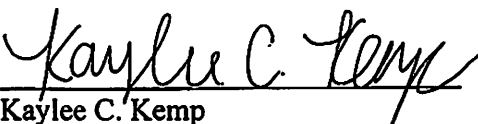
PROOF OF SERVICE

I, Kaylee C. Kemp, certify I have served the within Motion for Fifth Motion for 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:

Joanna K. Delany, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
P.O. Box 11589
Columbia, SC 29211

I further certify all parties required by Rule to be served have been served.

This 12th day of November 2024.



**Kaylee C. Kemp
Assistant Attorney General**