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Jan 03 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
The Honorable Daniel D. Hall, Circuit Court Judge

Appellate Case No. 2023-001474

THE STATE,

Respondent,

v.

JAMES J. PATTERSON, III,

Appellant.

**MOTION FOR THIRD 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 January 3, 2025.

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 **third** 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 Brief of Respondent in The State v. Charles Dent (2024-000355), a Petition

for Rehearing in The State v. Bradley Corlew (2021-000989); and is preparing a Final Brief of Respondent in The State v. Robert Neeley (2023-001259) and an Initial Brief of Respondent and Designation of Matter in Nathanael Whitwood v. State (2024-001319) and The State v. William McKinney (2023-001692).

III.

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

DON ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

J. BENJAMIN APLIN
Assistant Attorney General

By: 

J. Benjamin Aplin
S.C. Bar Number 8729

I have reviewed and approved this extension request.

By: 

Mark R. Farthing
Senior Assistant Deputy Attorney General

January 3, 2025

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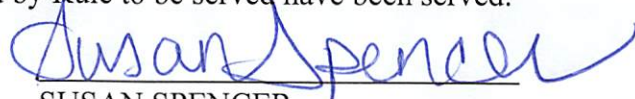
Appellant.

PROOF OF SERVICE

I, Susan Spencer, certify I have served the within Motion for Third 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:

Robert M. Dudek, Chief Appellate Offender
Division of Appellate Defense
P.O. Box 11589
Columbia, SC 29211-1589

I further certify all parties required by Rule to be served have been served.
This 3rd day of January, 2025.



SUSAN SPENCER

Legal Assistant

Office of the Attorney General