

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Lexington County
The Honorable Debra R. McCaslin, Circuit Court Judge

Appellate Case No: 2023-001574

THE STATE,

Respondent,

vs.

JASON JAVIER OTERO,

Appellant.

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

Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter are due to the Court today, pursuant to two previous extensions granted by the Court.

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 Respondent moves for a third extension in the above referenced appeal. Due to work required in other cases pending before this Court, the undersigned counsel is unable to complete this Brief on time. Since the last extension was granted in this matter, the undersigned counsel has filed an Initial Brief of Respondent in the South Carolina Court of Appeals in *State v. Rodney Nesmith*

(2023-001854); has filed Final Brief's of Respondent in *State v. Antonio Anderson* (2023-001257), *State v. Ty Leic Dae Jhon Chaneyfield* (2023-001595), and *State v. Kendrick Montrez Lee* (2023-001843); has filed a Record on Appeal in the Court of Appeals in *State v. Joshua Felipe Simmons* (2023-001978); has filed an Initial Brief of Respondent and Designation of Matter in *State v. James Orian Gregory* (2024-00072); and has filed a Return to Petition for Writ of Certiorari and Second Supplemental Appendix in *Gary Moore v. State of South Carolina* (2024-000459). Counsel would therefore request an extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

III.

This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared.


[conclusion and signature block on following page]

WHEREFORE, Respondent requests 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 (30) days and for such other and further relief as the Court may deem just and proper.

ALAN WILSON
Attorney General

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By: 

Brian H. Gibbs
S.C. Bar No. 104137

Attorneys for Respondent

February 3, 2025
Columbia, South Carolina

I have reviewed and approved this extension request.

By: 

MARK R. FARTHING
Senior Assistant Deputy Attorney General

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SC Court of Appeals

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PROOF OF SERVICE

I, Grace Sommer, certify that I have served the Motion for Extension of Time on Joanna K. Delany, Esquire, counsel of record for the Appellant, by sending one copy by electronic mail to the address listed for counsel in AIS.

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

This 3rd day of February 2025.



GRACE SOMMER
Legal Assistant

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