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Jan 06 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
Honorable G. D. Morgan, Jr., Circuit Court Judge
Appellate Case No. 2024-001413

THE STATE,

Respondent,

vs.

LEVY ERNEST DUNN, III,

Appellant.

**MOTION FOR FOURTH 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 6, 2026.

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. Earlier today, the undersigned counsel submitted the Initial Brief of Respondent and Designation of Matter to the Court of

Appeals in State v. Marcus Christopher White. In the past few weeks, the undersigned counsel has prepared and participated in oral argument at the Court of Appeals for State v. Marc Yasin Mckeiver, State v. Joquell Wayne Myers, and State v. Jonathan Conrad Dawkins; has submitted a Return to Petition for Writ of Certiorari to the Supreme Court in Marcus Wright v. State; and has submitted a Final Brief of Respondent to the Court of Appeals in State v. Clifton Kimble, State v. Tai'Yuan Ja'Rel Jackson, and In the Matter of Jason Michael Boyle. Along with that, the undersigned counsel has attended to other responsibilities—including supervisory and administrative ones—in the office.

III.


The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The Brief in the above-referenced case involves an important issue regarding a claim the trial judge erred by refusing to grant a mistrial. 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 and other issues that have required the undersigned counsel's attention. Accordingly, 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.

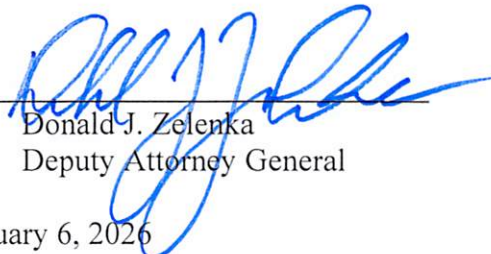
Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Deputy Attorney General

By: 
Mark R. Farthing
S.C. Bar Number 76901

I have reviewed and approved this extension request.

By: 
Donald J. Zelenka
Deputy Attorney General

January 6, 2026

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THE STATE,

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Appellant.

PROOF OF SERVICE

I, Grace Sommer, certify I have served the within Motion for the 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 the address listed in AIS for the following individual:

Kathrine H. Hudgins, Esquire
S.C. Commission on Indigent Defense
Post Office Box 11589
Columbia, SC 29211

I further certify all parties required by Rule to be served have been served.
This 6th day of January, 2026.



GRACE SOMMER

Legal Assistant

Office of the Attorney General