

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Berkeley County  
Honorable Stephanie P. McDonald, Circuit Court Judge  
Appellate Case No. 2013-001976

**RECEIVED**

MAR 05 2014

**SC Court of Appeals**

THE STATE,

Appellant,

vs.

MARCUS GREENE,

Respondent.

**MOTION FOR FOURTH EXTENSION OF TIME WITHIN WHICH  
TO SERVE AND FILE INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER**

Appellant ("the State"), through its undersigned counsel, would respectfully show unto the Court as follows:

**I.**

The Initial Brief of Appellant and Designation of Matter are due to be served and filed on March 5, 2014.

**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 has participated in oral argument at the Supreme Court in State v. Beulah Ruth

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Butler and State v. Donta Kevon Reid, has participated in oral argument at this Court in State v. Christopher Lee Johnson, State v. Alex Lorenzo Robinson, State v. Jimmy Wilson, Jr., State v. Kendrick D. Littlejohn, and State v. Mark Stanley Peters, has submitted a Brief of Respondent to the Supreme Court in State v. Coaxum, has submitted Initial Briefs of Respondent to this Court in State v. Pope, State v. Crosby, State v. Ivery, and State v. Galloway, and has submitted a Return to Petition for Writ of Certiorari to the Supreme Court in State v. Parker.

### III.

This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared. The Brief in the above case has required significant research because the case involves a significant procedural issue on appeal. The undersigned is currently working on the Brief in this case and hopes to have it completed in a timely manner. I would therefore request an extension of time within which to serve and file the Brief.

**WHEREFORE**, Appellant prays that the Court extend the deadline for the service and filing of the Brief of Appellant in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

MARK R. FARTHING  
Assistant Attorney General

By:   
Mark R. Farthing

By: Salley W. Elliott  
Salley W. Elliott

By: John W. McIntosh  
John W. McIntosh

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March 5, 2014

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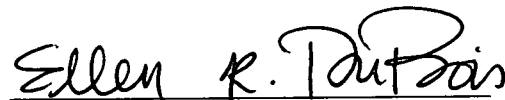
Respondent.

**PROOF OF SERVICE**

I, Ellen R. DuBois, certify that I have served the within Motion for Fourth Extension of Time Within Which to Serve and File Initial Brief of Appellant and Designation of Matter on Respondent by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Robert M. Dudek, Esquire  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.  
This 5th day of March, 2014.



ELLEN R. DuBOIS  
Legal Assistant

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(803) 734-3727



ALAN WILSON  
ATTORNEY GENERAL

March 5, 2014

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: State v. Marcus Greene – Appellate Case No. 2013-001976

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of the Motion for Fourth Extension of Time Within Which to Serve and File Initial Brief of Appellant and Designation of Matter, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Mark R. Farthing  
Assistant Attorney General  
Bar Number 76901

MRF/  
Enclosures

cc: Robert M. Dudek, Esquire  
Victim Services

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**SC Court of Appeals**