

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED

OCT 30 2017

Appeal from Pickens County  
Honorable Thomas A. Russo, Circuit Court Judge  
Appellate Case No. 2016-001652

SC Court of Appeals

THE STATE,

Respondent,

vs.

JACOB MICHAEL HENDRICKS,

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 October 30, 2017.

**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 and final** 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 participated in oral argument at this Court in State v. Oates; has

submitted a Petition for Writ of Certiorari in the United States Supreme Court in South Carolina v. Thompson; has submitted a Brief of Respondent in the South Carolina Supreme Court in State v. Campbell and State v. Cross; has submitted a Return to Petition for Writ of Certiorari in the South Carolina Supreme Court in State v. Habersham and State v. Haynes; has submitted an Initial Brief of Respondent to this Court in State v. Hall, State v. Alston, State v. Riden, State v. Smith, State v. Brown, State v. Graham, and State v. Hendrix; and has submitted a Petition for Rehearing to this Court in State v. Adkins.

### 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 an important jury instruction issue on appeal. The undersigned is currently working on the Brief in this case and intends to have it finished in a timely manner. I would therefore request an 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  
Assistant Attorney General

By:

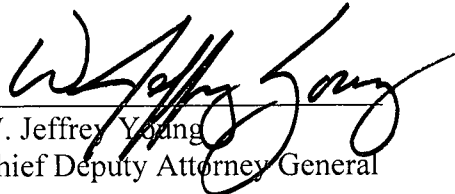
  
Mark R. Farthing

I have reviewed and approved this extension request.

By:

  
J. Benjamin Aplin  
Senior Assistant Deputy Attorney General

By:

  
W. Jeffrey Young  
Chief Deputy Attorney General

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

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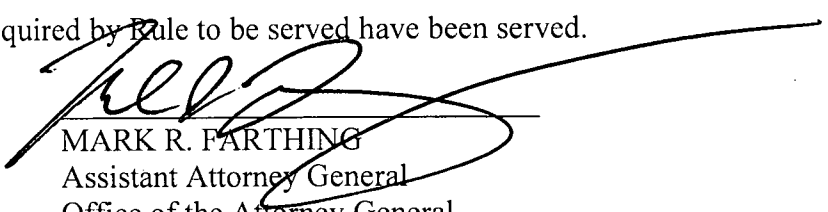
Appellant.

**PROOF OF SERVICE**

I, Mark R. Farthing, certify that I have served the within Motion for Fourth Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by sending two copies of the same 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 30th day of October, 2017.

  
MARK R. FARTHING  
Assistant Attorney General  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727



ALAN WILSON  
ATTORNEY GENERAL

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OCT 30 2017  
SC Court of Appeals

October 30, 2017

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

RE: State v. Jacob Michael Hendricks – Appellate Case No. 2016-001652

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Motion for Fourth Extension of Time Within Which to Serve and File Initial Brief of Respondent 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 Advocacy Division