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4th REB due 8/18/17  
new due date 9/18/17

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Chester County  
Honorable Brian M. Gibbons, Circuit Court Judge  
Appellate Case No. 2016-000425

**RECEIVED**  
AUG 18 2017  
SC Court of Appeals

THE STATE,

Respondent,

vs.

ROBERT ISAAH GRAHAM,

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 August 18, 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

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submitted a Return to Petition for Writ of Certiorari in the 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, and State v. Brown; 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 constitutional sentencing issue on appeal. The undersigned is currently working on the Brief in this case, believes it to be nearly completed, 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. The undersigned has consulted with opposing counsel, Laura R. Baer, Esquire, about this extension request, and she has indicated she does not have objections to the request.


**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:

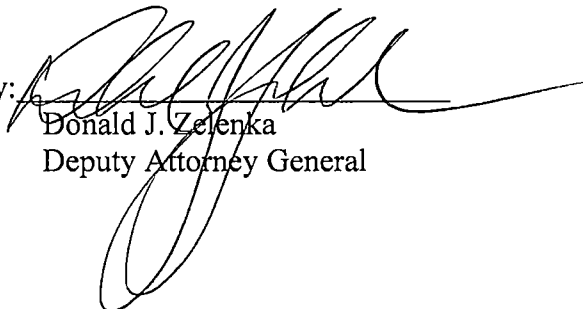
  
Mark R. Farthing

I have reviewed and approved this extension request.

By:

  
Melody J. Brown  
Senior Assistant Deputy Attorney General

By:

  
Donald J. Zelenka  
Deputy Attorney General

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

August 18, 2017

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Chester County  
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SC Court of Appeals

THE STATE,

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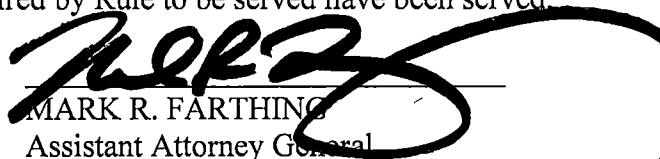
Appellant.

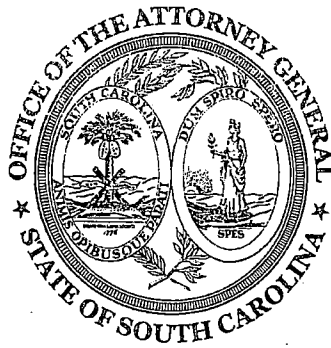
**PROOF OF SERVICE**

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:

Laura R. Baer and Robert M. Dudek, Esquires  
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 18th day of August, 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

August 18, 2017

**RECEIVED**

AUG 18 2017

SC Court of Appeals

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

RE: State v. Robert Isaiah Graham – Appellate Case No. 2016-000425

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: Laura R. Baer, Esquire  
Robert M. Dudek, Esquire  
Victim Advocacy Division