

4th RTB due 8/29/18

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Clarendon County  
Honorable Michael G. Nettles, Circuit Court Judge  
Appellate Case No. 2017-002360

**RECEIVED**  
AUG 29 2018  
SC Court of Appeals

THE STATE,

Respondent,

vs.

MICHAEL JAMES DINKINS,

Appellant.

**MOTION FOR A FOURTH EXTENSION TO SERVE  
AND FILE INITIAL BRIEF OF RESPONDENT  
AND DESIGNATION OF MATTER**

Respondent, State of South Carolina, 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 be served and filed August 29, 2019.

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 fourth extension in the above referenced appeal. Due to work required in other cases pending before this Court and the South Carolina Supreme Court, I am unable to complete this brief on time. The undersigned has completed an Initial Brief in State v.

Kayla Gayle Wright. The undersigned has completed Final Briefs in State v. Dinal Keith, and State v. Kevin Lamar Gary. The undersigned also completed a lengthy proposed order for the PCR court's signature in Hollie McEachern v. State that required an extensive review of proceedings counsel was previously uninvolved in. Further, the undersigned has filed a Motion to Dismiss the State v. Steven Nelson and did significant work on a pending Initial Brief for State v. Dwayne Tallent. The current draft of the brief in the present case stands in excess of thirty pages but does require further revision to meet the standards this Court should expect from undersigned.

### III.

This extension request is not intended for purposes of delay, but rather to ensure the Brief is properly researched and prepared. The undersigned is currently working on this Brief and anticipates it will be completed without need for any further extensions from the Court. I would therefore request a fourth extension of time within which to serve and file the Initial Brief of Respondent.

WHEREFORE, Respondent prays that the Court hold this matter in abeyance until ruling on this motion, and extend the deadline for the service and filing of the Initial Brief of Respondent 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.

[Signature Block on the Following Page]

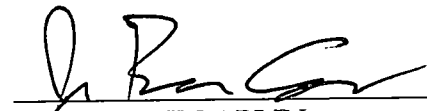
Respectfully submitted,

ALAN WILSON  
Attorney General




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DAVID SPENCER  
Senior Assistant Attorney General  
State Bar No. 68571



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J. BENJAMIN APLIN  
Senior Assistant Deputy Attorney General



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DONALD J. ZELENKA  
Deputy Attorney General

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Columbia, SC 29211  
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ATTORNEYS FOR RESPONDENT

August 29, 2018

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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PROOF OF SERVICE

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I, Anne Mueller, certify I served the Motion for Fourth Extension to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by depositing a copy in the United States Mail, postage prepaid, addressed to Steven S. McKenzie, Esquire, Coffey & McKenzie, PA, 2 N. Brooks Street, Manning, South Carolina 29102.

I further certify all parties required by Rule to be served have been served.  
This 29<sup>th</sup> day of August, 2018



Anne A. Mueller  
Legal Assistant for Respondent

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211



ALAN WILSON  
ATTORNEY GENERAL

August 28, 2018

**HAND DELIVERY**

The Honorable Jenny A. Kitchings  
Clerk of Court, SC Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

**RECEIVED**  
AUG 29 2018  
SC Court of Appeals

**RE: State v. Michael James Dinkins**  
**Appellate Case No. 2017-000205**

Dear Ms. Kitchings:

Enclosed are an original and six (6) copies of a Motion for Fourth Extension to Serve and File Initial Brief of Respondent and Designation of Matter with proof of service in the above-referenced appeal.

Sincerely,

  
David Spencer  
Senior Assistant Attorney General

DS/aam  
Enclosures

cc: Steven S. McKenzie, Esquire (w/enclosure)  
Victim Advocacy Division (w/enclosure)