

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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JAN 07 2019

Appeal from Edgefield County
Honorable Diane Schafer Goodstein, Circuit Court Judge
Appellate Case No. 2017-002140
SC Court of Appeals

THE STATE,

Respondent,

vs.

STEVEN LOUIS BARNES,

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 7, 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 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 the Supreme Court in Conrad

Lamont Slocumb v. State; has participated in oral argument at the Court of Appeals in State v. James Bubba Patterson, State v. Joseph Bowers, State v. Jacob M. Hendrix, State v. Stacy Carol Riden, State v. Aaron Van Hendrix, and State v. Maurice Marshall Harris; has submitted an Initial Brief of Respondent to the Court of Appeals in State v. Ontavious Derenta Plumer, State v. Christian Arenson Scowcroft, State v. Melvin Fourney, Sr., and State v. Phillip Antoine Stackhouse; has submitted an Initial Reply Brief of Appellant to the Court of Appeals in State v. Adam Keith Lunsford; has submitted a Petition for Writ of Certiorari to the Supreme Court in State v. James Archie Crews, IV; and has submitted a second Return to Petition for Rehearing to the Court of Appeals in State v. Benjamin Cervantes Hernandez.

III.

The undersigned counsel submits this extension request is supported by good cause and is not intended for purposes of delay. The Brief in the above-referenced case has required significant research because the case involves two important issues on appeal related to the Interstate Agreement on Detainers and the constitutional right to a speedy trial. 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 it. Accordingly, in order to ensure the Brief is properly researched and prepared, I would therefore request a final extension of time within which to serve and file the Brief.

IV.

Before filing this extension request, the undersigned counsel has consulted with counsel for Appellant about the matter, and counsel for Appellant has graciously indicated she has no objections to the State's request for an additional extension.

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

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

I have reviewed and approved this extension request.

By: 

Melody J. Brown
Senior Assistant Deputy Attorney General

By: 

Donald J. Zelenka
Deputy Attorney General

January 7, 2019

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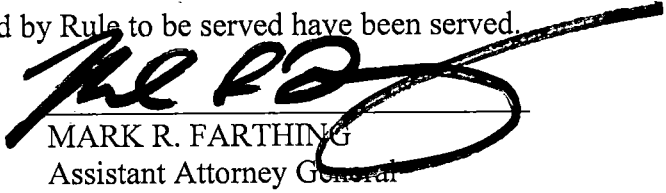
Appellant.

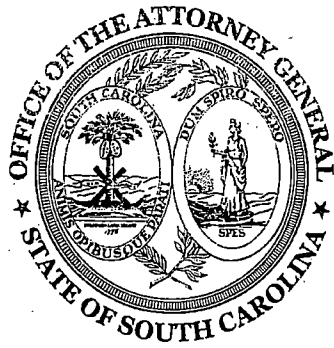
PROOF OF SERVICE

I, Mark R. Farthing, certify 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:

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

I further certify all parties required by Rule to be served have been served.
This 7th day of January, 2019.


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

January 7, 2019

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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. Steven Louis Barnes – Appellate Case No. 2017-002140

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: Kathrine H. Hudgins, Esquire
Victim Advocacy Division