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Aug 11 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenwood County

Honorable Donald B. Hocker, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MARK ANTHONY HAILEY, JR.,

APPELLANT.

APPELLATE CASE NO. 2020-001276

MOTION FOR AN EXTENSION TO SERVE AND FILE
THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

Counsel for Mark Anthony Hailey, Jr., respectfully requests a **fifth and final ten (10) day extension until August 23, 2020**, in which to file the initial brief of appellant and designation of matter in the above-referenced case. **Counsel will file the initial brief of appellant and designation of matter before the deadline if possible.** This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fifth request for an extension. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed with the Court today. The Court has granted counsel four previous extensions.

However, this case was reassigned to undersigned co-counsel who only requested one previous extension from this Court.

2. Counsel for Mark Anthony Hailey, Jr., respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of Calvin C. Cochran v. The State with the Court of Appeals on August 4, 2021. Counsel filed the reply to return to petition for writ of certiorari in the case of Dennis Cumbee, Jr. v. State of South Carolina with the Supreme Court on July 16, 2021. Counsel filed the petition for rehearing in the case of Michael Anthony Rogers v. State of South Carolina with the Court of Appeals on July 15, 2021. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Michael Darnell Thomas v. State of South Carolina with the Supreme Court on July 14, 2021. Counsel filed the Anders brief pursuant to White v. State in the case of Johnny Gregg v. State of South Carolina with the Supreme Court on June 25, 2021. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Johnny Gregg v. State of South Carolina with the Supreme Court on June 25, 2021. Counsel filed the Anders brief of appellant and designation of matter in the case of The State v. Timothy William Pyle with the Court of Appeals on June 24, 2021. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Terrell Denard Knightner with the Court of Appeals on June 23, 2021. Counsel filed the brief of respondent in the case of Michael Elders v. State of South Carolina with the Supreme Court on June 17, 2021. Counsel filed the return to petition for writ of certiorari in the Court of Appeals in the case of In the Interest of Christopher H. v. The State with the Supreme Court on June 1, 2021.

4. Counsel makes this request in good faith and not for purpose of delay.

5. On July 29, 2021, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through August 31, 2021.

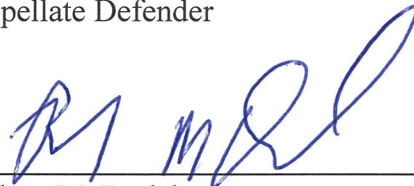
WHEREFORE, the undersigned counsel would respectfully request a **fifth and final ten (10) day extension until August 23, 2020**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. **Counsel will file the initial brief of appellant and designation of matter before the deadline if possible.**

Respectfully submitted,




Taylor D. Gilliam
Appellate Defender

Lara M. Caudy
Appellate Defender



Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervey B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training Director

This 11th day of August, 2021.

STATE OF SOUTH CAROLINA

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THE STATE,

RESPONDENT,

V.

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CERTIFICATE OF SERVICE

Pursuant to the Supreme Court's Order "RE: Operation of the Appellate Courts During the Coronavirus Emergency," dated March 20, 2020, the undersigned hereby certifies a true copy of the Motion for Extension in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this August 11, 2021.



Taylor D. Gilliam
Appellate Defender

Lara M. Caudy
Appellate Defender