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Oct 15 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

On Writ of Certiorari to Orangeburg County
Honorable Edgar W. Dickson, Circuit Court Judge
Appellate Case No. 2020-000093

GEORGE NAPOLEON MOSES,

Petitioner,

vs.

THE STATE,

Respondent.

**MOTION FOR THIRD EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE BRIEF OF RESPONDENT**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Brief of Respondent is due to be served and filed on October 15, 2021.

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 **third** extension in the above-referenced appeal involving the Access to Justice Post-Conviction DNA Testing Act and asks for an additional thirty days to complete the brief in this case. Earlier this week, the undersigned counsel has participated in oral argument at the Court of Appeals in State v. Victoria Lorraine Sanchez and Joshua A. Reed v.

State. Likewise, in the past few weeks, the undersigned counsel has submitted a Brief of Respondent to the Supreme Court in State v. Michael N. Frasier, Jr.; and has submitted a Return to Petition for Writ of Certiorari in State v. William Holmes. Along with that and other responsibilities in the office, the undersigned counsel has also prepared for and given a presentation at the 2021 Solicitors' Annual Conference.

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 an important issue dealing with the propriety of a ruling concerning the Access to Justice Post-Conviction DNA Testing Act. 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 the Brief. Accordingly, in order to ensure the Brief is properly researched and prepared, I would therefore request an additional 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 Brief of Respondent 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
Senior Assistant Attorney General

By: 
Mark R. Farthing
S.C. Bar Number 76901

I have reviewed and approved this extension request.

By: 
William M. Blich, Jr.
Senior Assistant Deputy Attorney General

October 15, 2021

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PROOF OF SERVICE

I, Leigh Ann Stone, certify I have served the within Motion for Third Extension of Time Within Which to Serve and File Brief of Respondent on Petitioner by sending an electronic copy via email to the address listed in AIS for the following individual:

Jessica M. Saxon, 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 15th day of October, 2021.



LEIGH ANN STONE
Legal Assistant
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

Leigh Ann Stone

From: Leigh Ann Stone
Sent: Friday, October 15, 2021 9:51 AM
To: 'jsaxon@sccid.sc.gov'
Cc: Mark Farthing; William Blitch; Warren, Kaylynn
Subject: George Moses v. State (2020-000093)
Attachments: Moses.Third Extension Request (BOR) (02786155xD2C78).PDF

Good Morning Ms. Saxon,

Attached please find a request for a third extension of time within which to serve and file the Brief of Respondent in George Moses v. State (2020-000093). This extension request will be submitted to the South Carolina Court of Appeals today via the AIS One Drive System.

If you will, please reply to confirm receipt of this email.

Thank you!

LEIGH ANN STONE, Legal Assistant
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