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Nov 29 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Oconee County
Honorable Letitia H. Verdin, Circuit Court Judge
Appellate Case No. 2020-001388

THE STATE,

Respondent,

vs.

GARY MARTIN WIRTZ,

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 November 29, 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 **fourth** and **final** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. Earlier this month, the undersigned counsel participated in oral argument at the Court of Appeals in State v. Isaiah

Gadson, Jr., which required more preparation than normal due to the fact undersigned counsel was not assigned to the matter until the oral argument stage of the appeal. Along with that and other responsibilities in the office, the undersigned counsel has submitted a Return to Petition for Writ of Certiorari to the Supreme Court in State v. Robert Lee Miller, III and a Brief of Petitioner to the Court of Appeals in John Upson v. State.

III.

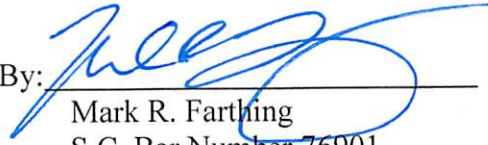
The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The Brief in the above-referenced case has required significant research because the case involves an important issue concerning the propriety of a vehicle search that led to the discovery of methamphetamine and other incriminating evidence. 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 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,

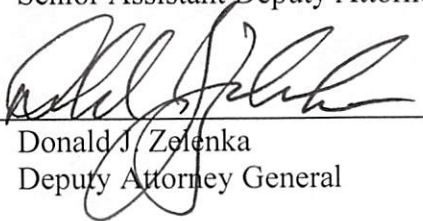
ALAN WILSON
Attorney General

MARK R. FARTHING
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

By: 
Donald J. Zelenka
Deputy Attorney General

November 29, 2021

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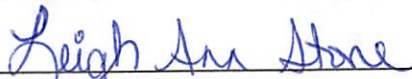
Appellant.

PROOF OF SERVICE

I, Leigh Ann Stone, 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 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 29th day of November, 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: Monday, November 29, 2021 11:18 AM
To: 'jsaxon@sccid.sc.gov'
Cc: Mark Farthing; William Blitch; 'Warren, Kaylynn'
Subject: The State v. Gary Martin Wirtz (2020-001388)
Attachments: Wirtz.Fourth Extension Request (IBOR) (02831888xD2C78).PDF

Good Morning Ms. Saxon,

Attached please find a request for a fourth extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter in The State v. Gary Martin Wirtz (2020-001388). 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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