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Feb 11 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Court Of General Sessions
The Honorable Donald B. Hocker, Circuit Court Judge

Appellate Case No: 2020-001276

THE STATE,

Respondent,

vs.

MARK ANTHONY HAILEY, JR.,

Appellant.

**MOTION FOR FOURTH EXTENSION
WITHIN WHICH TO SERVE AND FILE
INITIAL BRIEF OF RESPONDENT**

Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

The Initial Brief of Respondent is due to be served and filed February 11, 2022.

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, the South Carolina Supreme Court and the

federal court, I am unable to complete this brief on time. In addition to the research and writing of the brief in the above matter, the undersigned prepared the Return to the Petition for Writ of Habeas Corpus in Tedford v. Warden of Lieber Correctional Institution pending in federal court. The undersigned is in the process of researching and writing an initial brief in State v. Seidle and the Brief of Respondent in Nesbit v. State. Additionally, the undersigned has been preparing for oral argument in State v. Leslie Davis scheduled for February 17, 2022 at the Court of Appeals. As a result, the undersigned has been unable to complete the Initial Brief of Respondent.

III.

The undersigned makes this request in light of the agreement of January 31, 2022 concerning continuing consent to requests for extensions between Robert M. Dudek and Don Zelenka. 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.

Respectfully submitted,

ALAN WILSON
Attorney General

 (For)
JOSHUA A. EDWARDS

Assistant Attorney General
Bar No. 101188



WILLIAM M. BLITCH, JR.
Senior Assistant Attorney General
S.C. Bar No. 15608



DONALD J. ZELENKA
Deputy Attorney General

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ATTORNEYS FOR RESPONDENT

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THE STATE,

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Appellant.

PROOF OF SERVICE

I, Anne A. Mueller, certify that I have served the Motion For Fourth Extension Of Time Within Which To Serve And File Initial Brief of Respondent on Appellant by electronic mail to Lara M. Caudy, Esquire, and to Taylor D. Gilliam, Esquire to the addresses listed for counsel in AIS.

I further certify that all parties required by Rule to be served have been served.

This 11th day of February, 2022.



Anne A. Mueller
Legal Assistant

Office of Attorney General
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From: [Anne Mueller](#)
To: ["lcaudy@sccid.sc.gov"](#); [Taylor D. Gilliam \(tgilliam@sccid.sc.gov\)](#)
Cc: ["ekapeluck@sccid.sc.gov"](#); ["Warren, Kaylynn"](#); [Josh Edwards](#); [William Blitch \(wblitch@scag.gov\)](#); [Anne Mueller](#)
Bcc: [Victim Services](#)
Subject: State v. Mark Anthony Hailey, Jr., Appellate Case No. 2020-001276
Date: Friday, February 11, 2022 5:22:00 PM
Attachments: [image001.png](#)
[Hailey Mark - Motion For Fourth Extension \(02899322xD2C78\).PDF](#)

Good afternoon.

Attached to this email is the State's Motion For Fourth Extension in the above matter. This motion will be filed with the Court of Appeals shortly.

If you would, please confirm your receipt of this email and the attachment by return email.

Thank you in advance for your cooperation.

Sincerely,

Anne Mueller, Legal Assistant for Assistant Attorney General Joshua A. Edwards

Anne A. Mueller, Legal Assistant
Office of the South Carolina Attorney General
Criminal Appeals Division • Office 803-734-3922 • [scag.gov](#)



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