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Apr 06 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County
Honorable Grace Gilchrist Knie, Circuit Court Judge
Appellate Case Tracking No. 2021-000599

The State,

Respondent,

vs.

Mark Anthony Gilbert,

Appellant.

**MOTION FOR THIRD EXTENSION OF TIME TO SERVE AND FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

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

I.

The Initial Brief of Respondent and Designation of Matter are due to be served and filed April 6, 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 third extension in the above referenced appeal. Due to the issues raised and work required in other cases pending before this Court and the South Carolina Supreme Court, I am unable to complete this brief on time. The undersigned has completed a Brief of Respondent in State v. Brown and is completing today an Initial Brief of Respondent in State v. Williams. The undersigned completed Returns to Petition for Rehearing in State v. Taylor; and

Re: Frederick DeBerry. The undersigned participated in an oral argument in the Supreme Court in State v. Brewer and handled PCR hearings in circuit court in Gleason v. State and Miller v. State. The Initial Brief in this case is the next brief the undersigned plans to complete.

III.

This extension request is not intended for purposes of delay, but rather to ensure the Brief is properly researched and prepared. I would, therefore, request a third extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.


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 and Designation of Matter 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

WILLIAM M. BLITCH, JR.
Senior Assistant Deputy Attorney General

I have reviewed and approve this request:



DONALD J. ZELENKA
Deputy Attorney General



WILLIAM M. BLITCH, JR.
S.C. Bar No. 15608
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

April 6, 2022

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PROOF OF SERVICE

I, Caroline Collins, certify that I have served the Motion for Third Extension of Time to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by email to Appellant's counsel of record, C. Rauch Wise, at the email address provided by the Attorney Information System (AIS).

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

This 6th day of April, 2022.



CAROLINE COLLINS
Administrative Coordinator
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727

Caroline Collins

From: Caroline Collins
Sent: Wednesday, April 6, 2022 9:23 AM
To: 'Rauch Wise'
Cc: William Blitch
Subject: The State v. Mark Anthony Gilbert (2021-0000599)
Attachments: GILBERT Mark - Third Extension Motion - 2021-000599 (02944032xD2C78).PDF

Good Morning Mr. Wise,

Attached please find a Motion for Third Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter in The State v. Mark Anthony Gilbert (2021-0000599). This motion 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!

CAROLINE COLLINS, Administrative Coordinator
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