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Nov 18 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ON WRIT OF CERTIORARI TO SPARTANBURG COUNTY
Court of Common Pleas

The Honorable J. Derham Cole, Trial Judge
The Honorable Roger L. Couch, PCR Judge

Appellate Case No. 2019-000334

CARNIE NORRIS,

RESPONDENT,

v.

STATE OF SOUTH CAROLINA,

PETITIONER.

**MOTION FOR THIRD EXTENSION TO FILE
BRIEF OF PETITIONER**

COMES NOW, Petitioner, by and through the undersigned counsel, making its motion for an additional thirty (30) day extension of time to file the brief of petitioner, up to and including December 18, 2022. This is Petitioner's third request for an extension of time in which to file the brief. In support of this request, undersigned counsel would respectfully show unto this Court¹:


1. The brief of petitioner is due to be filed with the Court today. The Court has granted counsel two previous extensions.
2. This is the third request for an extension of time in which to file the brief.

¹ In compliance with: In Re: Extensions in Criminal and Post-Conviction Relief Cases, (S.C. Sup. Ct. order dated March 18, 2009) (Davis Adv. Sh. No. 13 at 1).

3. Counsel has assumed and maintained double the workload with very limited assistance since February 21, 2022.
4. Counsel appeared on behalf of the State at a PCR term in Spartanburg County the weeks of August 8-12, 2022, and October 17- 21, 2022, and is currently drafting orders for the cases heard during this term.
5. Counsel became ill with the coronavirus on August 14, 2022, and did not return to the office to work until August 30, 2022.
6. Counsel appeared on behalf of the State at a PCR term in the Fifteenth Circuit the week of September 5-9, 2022, and is currently drafting orders for the cases heard during this term.
7. Counsel had an out of term hearing in Chesterfield County and Georgetown County on September 1, 2022, and an additional out of term hearing in Spartanburg September 19-20, 2022.
8. Counsel had surgery on September 30, 2022, and did not return to the office to work until October 6, 2022.

In short, this extension request is not intended for purposes of delay, but rather to ensure that the brief is properly researched and prepared. The undersigned is currently working on the brief and hopes to have it completed shortly. The undersigned therefore requests an extension of time within which to serve and file the brief. THEREFORE, undersigned counsel for Petitioner respectfully requests a **third thirty-day extension**, in which to complete and file the brief of petitioner in this case based upon the above exigent circumstances. Counsel for Respondent has consented to this extension request through reciprocal agreement between our respective offices.

Respectfully submitted,

BY: 
Chelsey F. Marto
S.C. Bar No. 104191
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737

**I concur that extraordinary circumstances
have been shown.**



William M. Blich, Jr.
Assistant Deputy Attorney General
S.C. Bar No. 15608

November 18, 2022

ATTORNEYS FOR PETITIONER

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CERTIORARI TO SPARTANBURG COUNTY
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The Honorable J. Derham Cole, Trial Judge
The Honorable Roger L. Couch, PCR Judge

Appellate Case No. 2019-000334

Carnie Norris,

Respondent,

v.

State of South Carolina

Petitioner.

PROOF 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 Third Extension to file the Brief of Petitioner has been served upon opposing counsel by sending to opposing counsel's primary e-mail address as listed in the Attorney Information System (AIS):

Susan B. Hackett, Esquire
shackett@sccid.sc.gov

This 18th day of November, 2022.

/s Chelsey F. Marto
Chelsey F. Marto
Assistant Attorney General
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737
chelseymarto@scag.gov



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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

November 17, 2022

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211
(by email only – ctappfilings@sccourts.org)

Re: Carnie Norris v. State of South Carolina
Appellate Case No.: 2019-000334

Dear Ms. Kitchings:

Enclosed please find the original Motion for Third Extension to file the Brief of Petitioner in the above matter for filing. Please let me know if anything additional is needed.

Sincerely,

/s Chelsey F. Marto
Chelsey F. Marto
Assistant Attorney General
S.C. Bar # 104191

CFM/jbh
Enclosures

cc: Susan B. Hackett, Esquire
Victim Advocacy Division