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Dec 19 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Honorable Steven H. John, Circuit Court Judge
Appellate Case No. 2021-001320

THE STATE,

Respondent,

vs.

CLAYBON L. ATWATER, JR.

Appellant.

**MOTION FOR THIRD 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 December 19, 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 State moves for a **third** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. In the past month, the undersigned counsel prepared for an oral argument in State v. Rodney Jerome Furtick held in the Court of

Appeals; submitted a Motion to Dismiss to the Court of Appeals in State v. Kathryn Martin Key; submitted a Brief of Respondent to the Court of Appeals in Nathaniel Bradley v. State and preparing to submit an Initial Brief of Respondent in State v. Charvix Leroy Wright to the Court of Appeals.

III.

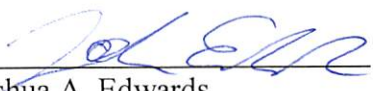
The undersigned counsel submits this extension request is supported by good cause and is not intended for purposes of delay. The brief in the above-referenced case has required significant research because the case involves an important appellate issue related to a claim of self-defense. The undersigned 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 due to a heavy workload. 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

JOSHUA A. EDWARDS
Assistant Attorney General

By: 
Joshua A. Edwards
S.C. Bar Number 101188

I have reviewed and approved this extension request.

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

December 19, 2022

Leigh Ann Stone

From: Leigh Ann Stone
Sent: Monday, December 19, 2022 11:51 AM
To: 'jdelany@sccid.sc.gov'
Cc: Josh Edwards; William Blicht; 'Warren, Kaylynn'
Subject: State v. Claybon L. Atwater, Jr. (2021-001320)
Attachments: ATWATER Claybon - Third Extension Request (IBOR) (03179737xD2C78).PDF

Good Morning Ms. Delany,

Attached please find a request for a third extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter in The State v. Claybon L. Atwater, Jr. (2021-001320). 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
South Carolina Attorney General's Office
Criminal Appeals | Office 803-734-7239 | LeighAnnStone@scag.gov
P.O. Box 11549 | Columbia, SC 29211
scag.gov



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