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Jan 03 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

CERTIORARI TO RICHLAND COUNTY
Court of Common Pleas
The Honorable Kristi F. Curtis, PCR Judge
The Honorable James R. Barber, III, Trial Judge

Appellate Case No. 2019-001677

MICHAEL O. BROWN, #295408,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

**MOTION FOR A THIRD EXTENSION OF TIME
TO FILE THE BRIEF OF RESPONDENT**

COMES NOW, Respondent, by and through the undersigned counsel, making its motion for an additional thirty (30) day extension of time to file Brief of Respondent, up to and including January 3, 2023. This is Respondent's third request for an extension of time in which to file the Brief of Respondent. In support of this request, undersigned counsel would respectfully show unto this Court¹:

1. The Brief of Respondent is due to be filed with the Court today. The Court has granted counsel two previous extensions.

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).

2. This is the third request for an extension of time in which to file a response.
3. Counsel appeared on behalf of the State at a PCR term in Richland County the week of November 14 – 18, 2022, and is currently drafting orders for the cases heard during this term.
4. Counsel appeared on behalf of the State at a PCR term in Florence County the week of December 12 – 16, 2022, and is currently drafting orders for the cases heard during this term.
5. Counsel is preparing on behalf of the State for PCR hearings in Richland County the week of January 9 – 13, 2023, which is requiring significant preparation.
6. Counsel is preparing on behalf of the State for PCR hearings in Charleston County and Berkeley County the week of February 6 – 10, 2023, which is requiring significant preparation.
7. Counsel is preparing on behalf of the State for PCR hearings in Lancaster County the week of February 13 – 17, 2023, which is requiring significant preparation.

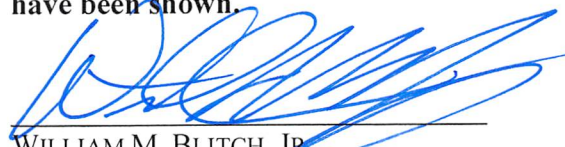
This extension request is not intended for purposes of delay, but rather to ensure that the Brief of Respondent is properly researched and prepared. The undersigned is currently working on the Brief of Respondent and hopes to have it completed shortly. The undersigned, therefore, requests an extension of time within which to serve and file the Brief of Respondent. THEREFORE, the undersigned counsel for Respondent respectfully requests a **third thirty-day extension** until **Thursday, February 2, 2023**, in which to complete and file the Brief of Respondent in this case based upon the above exigent circumstances.

Respectfully submitted,

BY: 

D. RUSSELL BARLOW, II
S.C. Bar No. 105228
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. BLITCH, JR.
Senior Assistant Deputy Attorney General
S.C. Bar No. 15608

January 3, 2023

ATTORNEYS FOR RESPONDENT

From: [Russ Barlow](#)
To: lcaudy@sccid.sc.gov
Subject: Emailing: BROWN Michael O. - 3rd Extension Request BOR (03185940xD2C78).PDF
Date: Tuesday, January 3, 2023 12:41:00 PM
Attachments: [BROWN Michael O. - 3rd Extension Request BOR \(03185940xD2C78\).pdf](#)
[image001.png](#)

Good Morning -

Please find attached the 3rd extension request in appellate case no. 2019-001677, to be filed shortly.

Respectfully,



Russ Barlow

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