

THE STATE OF SOUTH CAROLINA
In the Supreme Court

Appellate Case No. 2022-001378

United States of America, Plaintiff,

v.

Patrick Fitzgerald Clemons, Defendant.

MOTION FOR EXTENSION

The United States of America, through undersigned counsel, respectfully moves under Rule 240(c) and (d), SCACR, for a two-week extension of time in which to file the response brief in this case. The response is currently due on Wednesday, February 8, 2023. The United States requests a 14-day extension, up to and including February 22, 2023. In support of this motion, the United States submits the following:

1. This case involves two issues of first impression: what mental states are required to commit South Carolina Assault and Battery Second Degree and Criminal Domestic Violence of a High and Aggravated Nature.
2. Consideration of these issues requires an extensive evaluation of the legislative history of the two statutes. See State v. Ferguson, 302 S.C. 269, 272, 395 S.E.2d 182 (1990) (“Whether an offense is a strict liability offense, and if not, what kind of criminal intent is required to satisfactorily show a commission of that offense, are questions of legislative intent.”).

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3. The undersigned was in Richmond, Virginia, for oral argument before the Fourth Circuit Court of Appeals from Wednesday, January 25, through Friday, January 27. This request is not intended to delay proceedings but is due to the issues presented in this case and the unusually heavy caseload of the undersigned counsel at this time.
4. This is the undersigned's first request for an extension.

The United States therefore respectfully requests this Honorable Court grant a 30-day extension of time, up to and including Wednesday, February 22, 2023, to file its response.

Respectfully submitted,

ADAIR F. BOROUGHS
United States Attorney

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January 31, 2023
Columbia, South Carolina