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Feb 02 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Certiorari to Richland County
The Honorable Kristi F. Curtis, Circuit Court Judge

Appellate Case No. 2019-001677

Michael Orlando Brown,

Petitioner,

v.

State of South Carolina,

Respondent.

**MOTION FOR FOURTH EXTENSION TO FILE
BRIEF OF RESPONDENT**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Brief of Respondent is due to be served and filed on February 2, 2023.

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 **fourth** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. Due to staff turnover in the office, Counsel was assigned this case on January 18, 2023. The case was already on third extension. Counsel is currently working on other matters currently on third extension with the Court of

Appeals: (1) The initial brief in State v. Corlew in the Court of Appeals; (2) the Cross-Brief of Petitioner in Bryan v. State; and (3) the initial brief in State v. Batchelor. Therefore, Counsel was unable to complete the brief in this case on time.

III.

The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. Undersigned counsel's heavy workload has prevented counsel from attending to this matter, however, counsel intends to complete this brief in a timely manner. 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.

IV.

Before filing this extension request, the State has consulted with counsel for Petitioner about the matter, and counsel for Petitioner has graciously indicated she does not oppose the State's request for an additional extension.


WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Brief of Respondent 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.

[SIGNATURE BLOCK APPEARS ON THE FOLLOWING PAGE]

Respectfully submitted,

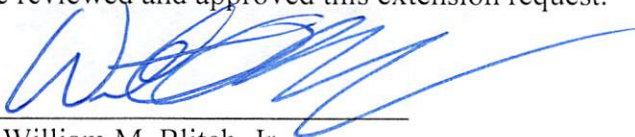
ALAN WILSON
Attorney General

DAVID SPENCER
Senior Assistant Attorney General

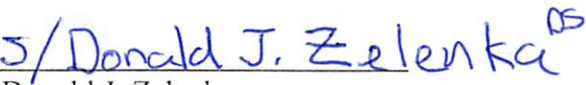
By: 

David Spencer

I have reviewed and approved this extension request.

By: 

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

By: 

Donald J. Zelenka
Deputy Attorney General

February 2, 2023

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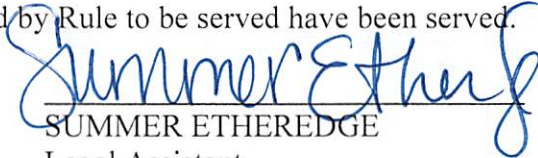
Respondent

PROOF OF SERVICE

I, Summer Etheredge, certify I have served the within Motion for Fourth Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by sending an electronic copy via email to the address listed in AIS for the following individual:

Lara M. Caudy, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify all parties required by Rule to be served have been served.
This 2nd day of February, 2023.


SUMMER ETHEREDGE
Legal Assistant