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Nov 28 2023
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
General Sessions Court

The Honorable Robert J. Bonds, Circuit Court Judge

Appellate Case Number: 2023 - 00288

The State,Respondent

v.

Justin Granet,.....Appellant

**THIRD MOTION FOR AN EXTENSION OF TIME
TO FILE APPELLANT’S INITIAL BRIEF
AND DESIGNATION OF MATTER**

The Appellant, Justin Granet, by and through undersigned counsel, hereby moves this Court for a seven (7) day extension of time in which to file Appellant’s Initial Brief and Designation of Matter. The brief and designation are currently due on November 28, 2023. This is the third extension request for this matter and would provide a due date of December 5th, 2023.

Undersigned makes this current request primarily because of his heavy caseload but the two previous requests were based upon delays in receiving copies of court exhibits as discussed below. Undersigned is a solo practitioner with two staff members. Further, undersigned was not trial counsel and was not privy to the issues raised during the four day trial of the case at bar.

Even though undersigned received the transcript on August 25, 2023, he did not receive the approximately 100 exhibits until September 5, 2023 and September 25, 2023, when his staff personally went to the clerk of court’s office and made copies themselves as neither the clerk nor court reporter would provide copies of these items. This delay was the primary basis of the first

extension request in this case.

After the first extension request, undersigned's review of the transcripts and exhibits resulted in the realization that he did not have copies of Court's Exhibits 9 and 10. In fact, these exhibits were not noted in the table of exhibits in the transcript and only referenced once in the thousand page transcript by exhibit number. Further, these items were not provided to undersigned until October 26, 2023, despite repeated efforts to locate them beforehand. These two exhibits serve as the basis of the issue being raised on appeal. The delay in obtaining these items was noted as a basis for the second extension request.

As to the heavy workload and beginning just weeks after the docketing of the first briefing deadline in this matter, undersigned completed and filed a supplemental opening brief in a federal appellate case on September 19, 2023. See *US v Ashford*, Docket Number 22-4391 - US Court of Appeals for the Fourth Circuit. Then undersigned traveled to Richmond Virginia on September 20, 2023 for preparation and argument before the US Court of Appeals for the Fourth Circuit on September 22, 2023. See *US v Manning*, Docket Number 21-4471 - US Court of Appeals for the Fourth Circuit.

Undersigned also successfully defended a Navy Corpsman in a criminal jury trial held on October 5, 2023 in a case arising from an October 22, 2022 domestic violence arrest.

Particularly relevant to this request, undersigned served as lead counsel in the state court trial of 17 felony sex crime indictments. See *State v Timothy Herndon*, 22GS0701823- 1827, 22GS0701830, 32, 34-39, 22GS0701841-1843, 45. This trial began in Beaufort County on November 13, 2023 and finished November 16, 2023 with the Defendant being convicted on 17 counts of sexual exploitation and criminal sexual conduct charges. The Defendant was sentenced to 330 years in prison, 110 of those years to be served consecutively. The Notice of Appeal in

that case was filed by undersigned on November 22, 2023.

Just 11 days after the end of the trial and immediately following the Thanksgiving break, undersigned completed and filed a supplemental reply brief, in the first federal appeal pending in the US Court of Appeals for the Fourth Circuit referenced above, on November 27, 2023. See US v Ashford, Docket Number 22-4391 - US Court of Appeals for the Fourth Circuit. And just days after expiration of the extension requested in this motion, a federal appellate brief is due on December 11, 2023 in a third federal appeal being handled by undersigned. See US v Selwanes, 23-4333, US Court of Appeals for the Fourth Circuit.

These obligations were in addition to many other court appearances, motions, pleas, and jail visits occurring during the same time.

Finally, undersigned is under an order of protection arranged in April, 2023 for him to attend a national criminal defense CLE. This CLE schedule runs from November 29 - December 2, 2023. Airfare was purchased in June, 2023. A deposit has also been placed to hold the accommodations.

This brief is significantly completed but the additional time is needed to provide professional arguments to this Court as an able advocate for Appellant. Undersigned has packed Appellant's file to continue working on the brief. Undersigned's return flight is December 3, 2023 and the extension is requested until December 5, 2023. Undersigned drafted this motion aboard his airplane on the way to the CLE.

Therefore, counsel respectfully requests that this Court grant the Appellant an additional seven (7) days in which to file and serve the initial brief and designation of matter in this case.

Respectfully submitted,

/s/James A. Brown, Jr.

November 28, 2023

James A. Brown, Jr.
SC Bar No.: 12213
Counsel for Appellant

Beaufort, SC

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
General Sessions Court

The Honorable Robert J. Bonds, Circuit Court Judge

Appellate Case Number: 2023-00288

The State,Respondent

v.

Justin Granet,.....Appellant

Certificate of Service

I certify that I have served a copy of this Motion for an Extension of Time on the State of South Carolina, by depositing a copy of this Motion in the United States Mail, postage prepaid, on November 28, 2023, addressed to its attorney of record, Senior Assistant Deputy Attorney General, Mark Farthing, at South Carolina Attorney General’s Office, Post Office Box 11549, Columbia, SC 29211 and emailing a copy to him at mfarthing@scag.gov.

/s/ James A. Brown, Jr.
James A. Brown, Jr.
SC Bar No.: 12213
Counsel for Appellant

November 28, 2023
Beaufort, SC

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November 28, 2023

VIA US Mail & EMAIL: ctappfilings@sccourts.org

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: State of South Carolina v. Justin Granet
Motion for Extension of Time
Case No.: 2023-00288

Dear Ms. Kitchings:

Under cover of this letter, I have enclosed a Motion for Extension of Time and Proof of Service in the above-referenced case.

Thank you for your assistance in this matter. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

/s/James A. Brown, Jr.
James A. Brown, Jr.
Law Offices of Jim Brown, P.A.

Enclosures (noted)

cc: Mark Farthing, Office of the SC Attorney General's Office, via US Mail & Email