RECEIVED
Jan 22 2024
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
The Honorable Williams H. Seals, Circuit Court Judge
Appellate Case No. 2023-000261

THE STATE,

Respondent,

vs.

THOMAS HENRY BROWN, 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 January 22, 2024.

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. Since the last extension, the undersigned counsel filed an Initial Brief of Respondent and Designation of Matter in the Court

of Appeals in The State v. Satwaun Wallace Henryhand (2022-000975), a Return to Petition for Writ of Certiorari in the Supreme Court in Marquis McDonald v. State of South Carolina (2023-000747); and has filed a Final Brief of Respondent in the Court of Appeals in The State v. Chad Lavictor Simmons (2022-001729).

III.

The undersigned counsel submits this extension request is supported by good cause and is not intended for purposes of delay. 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.

IV.

Please be advised that the State and Appellate Defense continue to consent to any requests for extensions or out-of-time filings. This limited consent applies to requests up to and including January 31, 2024.

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

ANDREW D. POWELL
Assistant Attorney General

By:_____
Andrew D. Powell
S.C. Bar Number 106415

I have reviewed and approved this extension request.

By:_____
Mark R. Farthing
Senior Assistant Deputy Attorney General

January 22, 2024

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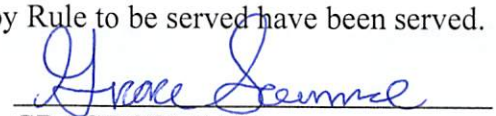
PROOF OF SERVICE

I, Grace Sommer, certify I have served the within Motion for Third 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 22nd day of January, 2024.



GRACE SOMMER
Legal Assistant
Office of the Attorney General

Grace Sommer

From: Grace Sommer
Sent: Monday, January 22, 2024 12:23 PM
To: Lara Caudy (lcaudy@sccid.sc.gov)
Cc: Mcinnis, Sara; Andrew Powell
Subject: The State v. Thomas Henry Brown, Jr. (2023-000261)
Attachments: BROWN Thomas - Third Extension Request (IBOR) (03483167xD2C78).PDF

Good Afternoon Ms. Caudy,

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. Thomas Henry Brown, Jr. (2023-000261). This request will be filed today with the South Carolina Court of Appeals via the AIS OneDrive System.

If you will, please confirm receipt of this email.

Thank you,

Grace Sommer, Legal Assistant
South Carolina Attorney General's Office
Criminal Appeals | Office 803-734-3835 | gracesommer@scag.gov
P.O. Box 11549 | Columbia, SC 29211
scag.gov

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