

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from McCormick County
Court of Common Pleas

Lawton McIntosh, Circuit Court Judge

Case No. 2018-CP-35-00074

(Appellate Case No. 2023-001375)

Bryantavious Murray, Appellant,

v.

South Carolina Department of Corrections, Respondent.

**MOTION FOR EXTENSION OF TIME
TO FILE AND SERVE
RESPONDENT’S INITIAL BRIEF
AND DESIGNATION OF MATTER
FOR RECORD ON APPEAL**

Pursuant to Rule 240, SCRAP, Respondent South Carolina Department of Corrections (“SCDC”) moves for an extension of time to file and serve Respondent’s Initial Brief and Designation of Matter for Record on Appeal (“Designation of Matter”). Respondent would request an extension of 45 days to file its Initial Brief and Designation of Matter, which are currently due February 20, 2024. This is a first request for an extension filed by SCDC.

The grounds for this motion are that the attorney for the Respondent has been suffering from a health issue the past several months and is scheduled to undergo a surgical procedure

within the next week and will be incapacitated for several weeks following the surgery. *See Affidavit of Steven M. Pruitt.* A forty-five day delay will not prejudice the rights of any of the parties. We have notified Appellant of our intent to file this motion and he has consented. Granting this motion would require the Initial Brief and Designation of Matter to be filed with the Court no later than April 4, 2024.

For these reasons, Respondent requests an extension of the deadline for filing and serving the Initial Brief and Designation of Matter until April 4, 2024.

Respectfully submitted,

By: s/ Steven M. Pruitt
Steven M. Pruitt, Esquire, SC Bar #66201
McDonald Patrick Poston Hemphill & Roper, LLC
Post Office Box 1547
Greenwood, SC 29648
864-388-1014
spruitt@mcdonaldpatrick.com
ATTORNEY FOR RESPONDENT

February 13, 2024
Greenwood, SC

RECEIVED

Feb 13 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from McCormick County
Court of Common Pleas

Lawton McIntosh, Circuit Court Judge

Case No. 2018-CP-35-00074

(Appellate Case No. 2023-001375)

Bryantavious Murray, Appellant,

v.

South Carolina Department of Corrections, Respondent.

AFFIDAVIT OF STEVEN M. PRUITT

PERSONALLY APPEARED BEFORE ME, Steven M. Pruitt, who being first duly sworn, deposes and says:

1. I represent the Respondent South Carolina Department of Corrections (hereinafter referred to as "SCDC") in the above referenced appeal.
2. I have had a debilitating condition in my lower back which has caused constant pain and has severely limited my mobility since late December. I have been on bed rest since January 1.
3. After unsuccessfully undergoing several treatment options, I am now scheduled to have surgery next week.
4. I was informed I will be in the hospital three to four days after surgery and to expect to be out of work for approximately four to six weeks. However, I hope that I will be able to work from home in a limited capacity within three to four weeks.
5. I anticipate that upon my return to work, I will be able to complete SCDC's Initial Brief and Designation of Matters.

{Signature block to follow}

Steven M. Pruitt

Steven M. Pruitt

Sworn to and Subscribed before me
this 13th day of February, 2024.

Shirley A. Little L.S.
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 10-29-2025



RECEIVED

Feb 13 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from McCormick County
Court of Common Pleas

Lawton McIntosh, Circuit Court Judge

Case No. 2018-CP-35-00074

(Appellate Case No. 2023-001375)

Bryantavious Murray, Appellant,

v.

South Carolina Department of Corrections, Respondent.

CERTIFICATE OF SERVICE

I certify that I have served the Respondent’s Motion for Extension of Time to File and Serve its Initial Brief and Designation of Matter for Record on Appeal with Affidavit on Appeal on Bryantavious Murray by electronic mail at MurrayBryantavious@gmail.com and by depositing a copy in the United States Mail, postage prepaid, on February 13, 2024, addressed to the pro se appellant as follows: 2156 Cresthill Drive, Columbia, South Carolina 29223.

Respectfully submitted,

By: s/ Steven M. Pruitt

Steven M. Pruitt, Esquire, SC Bar #66201
McDonald Patrick Poston Hemphill & Roper, LLC
Post Office Box 1547
Greenwood, SC 29648
864-388-1014

spruitt@mcdonaldpatrick.com

ATTORNEY FOR RESPONDENT

February 13, 2024
Greenwood, SC