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Jun 12 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County
The Honorable Brooks P. Goldsmith, Circuit Court Judge
Appellate Case No. 2023-000475

THE STATE,

Respondent,

vs.

THOMAS LOUIS DAVIS,

Appellant.

**MOTION FOR EIGHTH AND FINAL EXTENSION OF TIME
WITHIN WHICH TO SERVE AND FILE INITIAL BRIEF OF
RESPONDENT AND DESIGNATION OF MATTER**

Respondent, State of South Carolina, hereby moves for an **eighth** and **final** extension of time to serve and file the Initial Brief of Respondent and Designation of Matter to be included in the Record on Appeal. Respondent submits the following in support of the requested relief:

1. The Initial Brief of Respondent and Designation of Matter are due to be filed and served today, June 12, 2024, pursuant to a seventh extension, which counsel fully intended to be the final extension. Due to circumstances outside counsel's control, however, Respondent requests an **eighth** and **final** extension to serve and file these documents. This request is not made for the purpose of delay but supported by extraordinary circumstances, including counsel's husband was unexpectedly admitted into the hospital for emergency heart surgery, which necessitated counsel's

substantial absence from the office with difficulty working remotely, a heavy workload, and supervisory and administrative responsibilities both in and outside of the office.

2. Counsel's husband was unexpectedly and urgently admitted into the hospital on Monday, June 3, 2024, underwent triple-bypass heart surgery and a heart ablation on June 4, 2024, and was released from the hospital on Friday, June 7th. Due to the unexpected medical emergency, counsel was out of the office from Monday, June 3rd, 2024, and returned to the office on Monday, June 10th, 2024. While at the hospital during her husband's stay, Counsel worked on the Initial Brief of Respondent and Designation of Matter in this case to the extent possible in the effort to complete the Brief on time. Counsel was able to complete the Initial Brief of Respondent and Designation of Matter in In the Matter of the Care and Treatment of Joseph Curtis, Jr. (2023-000285), which was also due today on a seventh and final extension that was in fact a sixth extension and was filed today.

3. Counsel has worked extensively on the Initial Brief of Respondent and Designation of Matter in this case, but was unable to complete it due to her family medical emergency and time outside of the office with very limited ability to work remotely. Counsel assures the Court completion of the brief is a high priority, and she will work diligently to complete it. Accordingly, in order to ensure the brief is properly researched and prepared, counsel requests an additional extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

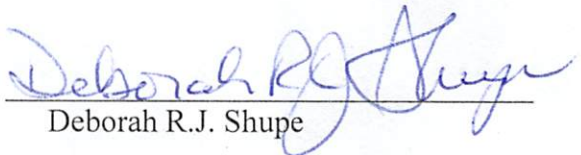
4. The undersigned consulted with Appellant's counsel, and he consented to the requested extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

Based on the foregoing, Respondent respectfully requests that this Court grant an eighth and final 30-day extension in which to file and serve the Initial Brief of Respondent and Designation of Matter in this case, and that all deadlines be held in abeyance pending resolution of this Motion.

Respectfully submitted,

ALAN WILSON
Attorney General

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General

BY: 
Deborah R.J. Shupe

Office of the Attorney General
Post Office Box 11549
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I have reviewed and approved this extension request.

DONALD J. ZELENKA
Deputy Attorney General

BY: _____
Donald J. Zelenka

W. JEFFREY YOUNG
Chief Deputy Attorney General

BY: _____
W. Jeffrey Young

June 12, 2024

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PROOF OF SERVICE

I, Grace Sommer, certify that I have served the Motion for Extension of Time on Jared S. Newman, Esquire, counsel of record for the Appellant, by sending it to him by electronic mail to the address listed for counsel in AIS.

I further certify that all parties required by Rule to be served have been served.

This 12th day of June, 2024.



Grace Sommer
Legal Assistant

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(803) 734-3737