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Oct 16 2024

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

On Writ of Certiorari to the Court of Appeals
Appeal from Aiken County
Honorable Clifton B. Newman, Circuit Court Judge
Appellate Case Number 2023-000972

THE STATE,

Petitioner,

vs.

HERBERT E. PRAY, III,

Respondent.

**MOTION FOR EXTENSION OF TIME FOR
RESPONDENT TO SERVE AND FILE BRIEF**

Pursuant to Rule 240, SCACR, Respondent respectfully moves for an extension of time in which to serve and file Respondent's brief. Respondent requests an extension of thirty (30) days to file his brief, which is currently due October 23, 2024. In support of this motion, Respondent states as follows:

1. Counsel for Respondent is located in Augusta, GA. Hurricane Helene struck Augusta and the surrounding areas on September 27, 2024, resulting in significant disruptions to power, internet, and phone services. Due to the hurricane, counsel for Respondent was without power for 10 days at his residence and for 7 days at his office. As of the date of this motion, counsel for Respondent still does not have internet or telephone access at his office, and also lacks internet access at home.
2. Respondent shows that Hurricane Helene and her aftermath represent extraordinary circumstances beyond the control of the movant. At the time of filing this motion, counsel for Respondent has been without internet access for twenty (20) days and counting, with no reliable indication of a restoration date.

3. Additionally, the undersigned counsel was married on October 12, 2024, and will be on a previously planned honeymoon from October 18, 2024, through November 1, 2024.

4. Opposing Counsel, Senior Assistant Deputy Attorney General Mark R. Farthing, has graciously and affirmatively indicated that he has no objection to this request for additional time.

5. Given the circumstances above, counsel for Respondent respectfully requests an extension of 30 (thirty) days, from the current deadline of October 23, 2024, to file Respondent's brief. Granting this motion would require Respondent's brief to be filed no later than November 22, 2024.

This 16th day of October, 2024.



Robert I. Sussman
S.C. Bar Number 101384
ROBERT I. SUSSMAN, P.C.
347 Greene Street
Augusta, GA 30901
TEL: (706) 724-3331
FAX: (706) 724-3327
robert@sussman-law.com
Attorney for Respondent