

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM LAURENS COUNTY
Court of General Sessions
W. Jeffery Young, Circuit Court Judge

JAN 04 2016
SC Court of Appeals

Court of Appeals Case No. 2015-000718

The State, Respondent

v.

Michael Vernon Beaty, Jr. Appellant.

**Petition for Extension of Time to File Initial Brief
and Designation of Matter to be Included in Record on Appeal**

The appellant, Michael Beaty, Jr., respectfully petitions this Court for an extension of time to file the initial brief of appellant and designation of matter to be included in the record on appeal of one week until Wednesday, January 6, 2015. This request is based on the following grounds.

1) This appeal, which follows a five-day jury trial, involves a conviction for murder. The trial court judge imposed a sentence of life imprisonment without the possibility of parole. Having also served as trial counsel, the undersigned are aware of multiple issues for appeal. Because of the nature of the conviction and sentence, careful research and drafting is necessary to prepare the appeal for this Court.

2) Both counsel were unusually busy in November and December 2015.

3) Mr. Wise was involved in a jury trial beginning on November 2, 2015, during which the state stopped the trial and filed an appeal, requiring Mr. Wise to do extensive research and file a response.

4) Mr. Grose had an oral argument in the South Carolina Supreme Court on December 3, 2015 in *State v. Donna Lynn Phillips*. He is also counsel in a number of capital cases including *William O. Dickerson, Jr. v. State* (a capital PCR) that had an evidentiary hearing scheduled to commence on October 19, 2015 but, based on the unprecedented weather and other matters in the case, was continued to December 7, 2015. Preparation of this hearing required a substantial amount of counsel's time. Counsel has also been working on an initial brief in *State v. Preston Shands, Jr.*, which involves a sentence of life imprisonment without the possibility of parole.

5) Both Mr. Wise and Mr. Grose have set aside time to work on the initial brief in Mr. Beaty's case. The brief is substantially complete. On December 29, 2015, Mr. Wise and Mr. Grose visited Mr. Beaty at Lieber Correctional Institution to review the brief with him. Counsel is making final additions and revisions to the brief. Counsel anticipates filing the initial brief on Wednesday, January 6, 2016.

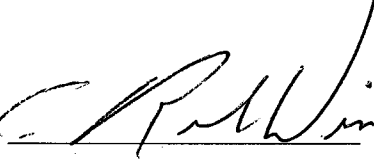
6) Counsel has communicated with Don Zelenka, counsel for the State, who does not oppose this request.

Mr. Beaty, therefore, respectfully requests an extension of one week, until Wednesday, January 6, 2016 to file his initial brief and designation of matter to be included in the record on appeal.


(signatures on next page)

IT IS SO MOVED.

Respectfully Submitted,

By 

C. Rauch Wise
305 Main St.
Greenwood, SC 29646
rauchwise@gmail.com
(864) 229-5010

By 

E Charles Grose, Jr.
Grose Law Firm
404 Main Street
Greenwood, SC 29646
charles@groselawfirm.com
(864) 538-4466

December 30, 2015

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LAURENS COUNTY
Court of General Sessions
Edward W. Miller, Circuit Court Judge

Court of Appeals Case No. 2015-000718

RECEIVED

JAN 04 2016

SC Court of Appeals

The State, Respondent

v.

Michael Vernon Beaty, Jr. Appellant.

Certificate of Service

I certify that I have served the Petition for Extension of Time to File Reply Brief, by placing a copy in the United States Mail, postage prepaid, on the date reflected below, addressed as follows:

Donald L. Zelenka Esquire
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211



E. Charles Grose, Jr.
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
(864) 538-4466

December 30, 2015
Greenwood, South Carolina