

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Honorable Howard P. King, Circuit Court Judge

Appellate Case No. 2015-002557

RECEIVED
SEP 14 2016
SC Court of Appeals

THE STATE,

Respondent,

v.

BRANDON JOSEPH BERRY,

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 today's date, September 14, 2016.

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. In the past few weeks, the undersigned has submitted a Petition for a Writ of Certiorari and accompanying motions in Willis Weary v.

State, a Return to Petition for a Writ of Certiorari in State v. Jeffrey Davis to the South Carolina Supreme Court. Additionally, the undersigned has submitted an Initial Brief of Respondent in State v. Wayne Beecher Carter, and Initial Brief of Respondent in State v. Gary Curtis Fraley, an Initial Brief of Appellant in State v. John Kenneth Massey, Jr., and Initial Brief of Respondent in State v. Keith Christopher Osborne, to this Court. Additionally, the undersigned has submitted various lower court orders to the circuit court regarding pending post-conviction relief matters.

III.

This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared. The Brief in the above case has required substantial research because the case involves a significant issue on appeal. The undersigned is currently working on the Brief in this case and hopes to have it completed in a timely manner. The State would therefore request an extension of time within which to serve and file the Brief.

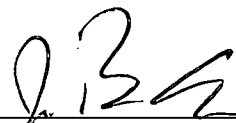
WHEREFORE, the State prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty days from the date such relief is granted; hold the matter in abeyance pending a ruling on the State's motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

MEGAN HARRIGAN JAMESON
Assistant Attorney General
S.C. Bar 100108

By: 
Megan Harrigan Jameson, AAG

By: 
J. Benjamin Aplin, SADAG
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

September 14, 2016

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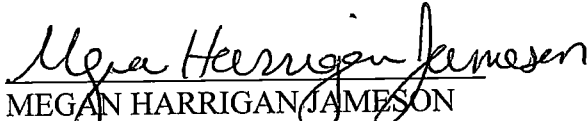
Appellant.

PROOF OF SERVICE

I, Megan Harrigan Jameson, certify that 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 depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Lara Caudy, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
P.O. Box 11589
Columbia, South Carolina 29211

I further certify that all parties required by Rule to be served have been served.
This 14th day of September, 2016.


MEGAN HARRIGAN JAMESON
Assistant Attorney General

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727



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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

September 14, 2016

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: State v. Brandon Joseph Berry – Appellate Case No. 2015-002557

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Motion for Third Extension of Time within Which to Serve and File Initial Brief of Respondent and Designation of Matter, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Megan Harrigan Jameson
Assistant Attorney General
S.C. Bar Number 100108

MHJ/
Enclosures

cc: Lara Caudy, Esquire
Victim Services