

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
Honorable Brian M. Gibbons, Circuit Court Judge

RECEIVED

Appellate Case No. 2017-000482

MAR 19 2018

SC Court of Appeals

THE STATE,

RESPONDENT,

vs.

BRIAN WILLIE LEWIS,

APPELLANT.

**MOTION FOR A FOURTH EXTENSION TO SERVE
AND FILE INITIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTER**

Respondent, State of South Carolina, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter are due to be served and filed today, March 19, 2018, after three previously granted extensions.

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 **fourth** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the initial brief in this case.

Due to work required in other cases pending before this Court and the South Carolina Supreme Court, I am unable to complete this brief on time. In recent weeks, the undersigned completed an initial brief of respondent in State v. Betancourt on February 27, 2018, and the final brief of appellant, final reply brief of appellant, and final brief of respondent in State v. Dean on March 7. In addition, undersigned counsel prepared and appeared for oral arguments in State v. Lawson on March 6, and State v. Washington on March 15. Further, undersigned counsel is preparing the Brief of Appellant in State v. Spears for submission to the Supreme Court in the coming week.

III.

This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared. The undersigned assures the Court that completion of the brief is a high priority, and he will work diligently to complete it.

WHEREFORE, Respondent 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 Respondent's motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

DAVID SPENCER
Senior Assistant Attorney General

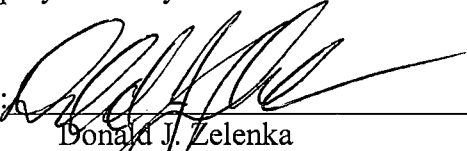
By: 

David Spencer

J. BENJAMIN APLIN
Senior Assistant Deputy Attorney General

By: 
J. Benjamin Aplin

DONALD J. ZELENKA
Deputy Attorney General

By: 
Donald J. Zelenka

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Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

March 19, 2017

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
Honorable Brian M. Gibbons, Circuit Court Judge

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THE STATE,

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BRIAN WILLIE LEWIS,


APPELLANT.

PROOF OF SERVICE

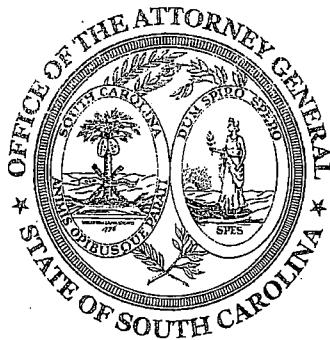
I, Anne Mueller, certify I served the Motion for Fourth Extension to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by depositing two copies of the same in the United States Mail, postage prepaid, addressed to his attorney of record, Laura R. Baer, Esquire, South Carolina Commission on Indigent Defense, Division of Appellate Defense, PO Box 11589, Columbia, SC 29211.

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

This 19th day of March, 2018


Anne A. Mueller
Legal Assistant

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211



ALAN WILSON
ATTORNEY GENERAL

March 19, 2018

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SC Court of Appeals

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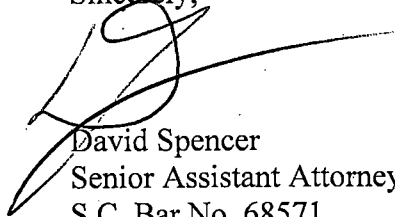
The Honorable Jenny A. Kitchings
Clerk of Court, SC Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RE: State v. Brian Willie Lewis
Appellate Case No. 2017-000482

Dear Ms. Kitchings:

Enclosed are an original and six (6) copies of a Motion for Fourth Extension to Serve and File Initial Brief of Respondent and Designation of Matter with proof of service in the above-referenced appeal.

Sincerely,



David Spencer
Senior Assistant Attorney General
S.C. Bar No. 68571

DS/aam
Enclosures

cc: Laura R. Baer, Esquire (w/enclosure)
Victim Advocacy Division (w/enclosure)

✓