

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County
Honorable Brooks P. Goldsmith, Circuit Court Judge
Appellate Case No. 2017-001018

THE STATE,

vs.

JUSTIN ADAMS,

Respondent,

RECEIVED
MAY 15 2019
SC Court of Appeals
Appellate

**MOTION FOR FIFTH 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 May 15, 2019.

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 **fifth** 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 counsel has participated in oral argument at the Supreme Court in Conrad Lamont

Slocumb v. State, State v. Mario Valerio Gonzalez Hernandez, and State v. Christopher D. Campbell; has participated in oral argument at the Court of Appeals in State v. James Bubba Patterson, State v. Joseph Bowers, State v. Jacob M. Hendrix, State v. Stacy Carol Riden, State v. Aaron Van Hendrix, State v. Maurice Marshall Harris, State v. Roy Ellis Smith, and State v. Robert Isaiah Graham; has submitted a Brief of Respondent Pursuant to White v. State to the Supreme Court in Gerald Edwards v. State, Harry Roller v. State, and Michael A. Richardson v. State; has submitted an Initial Brief of Respondent to the Court of Appeals in State v. Ontavious Derenta Plumer, State v. Christian Arenson Scowcroft, State v. Melvin Fourney, Sr., State v. Darell Oneil Boston, State v. Phillip Antoine Stackhouse, State v. Stephen Louis Barnes, State v. Bobby Leon Smith, and State v. Shelby Harper Taylor; has submitted an Initial Reply Brief of Appellant to the Court of Appeals in State v. Adam Keith Lunsford; has submitted a Petition for Writ of Certiorari to the Supreme Court in State v. James Archie Crews, IV; has submitted a Return to Petition for Writ of Certiorari to the Supreme Court in State v. Corey Andrew Brown, State v. Benjamin Cervantes Hernandez, State v. Robert Davis Smith, Jr., Antwan D. McMillan v. State, State v. James Bubba Patterson, Joshua Reed v. State, and State v. James Carmine Miranda, III; and has submitted a second Return to Petition for Rehearing to the Court of Appeals in State v. Benjamin Cervantes Hernandez.

III.

The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The Brief in the above-referenced case has required significant research because the case involves four important issues on appeal. Additionally, the undersigned counsel has not yet obtained all the needed exhibits in this case despite efforts to do so. The undersigned counsel is currently working on the Brief in this case

and intends to have it finished in a timely manner. However, the undersigned counsel has not yet been able to finish the Brief. Accordingly, in order to ensure the Brief is properly researched and prepared, I would therefore request an additional extension of time within which to serve and file the Brief.

IV.

Before filing this extension request, the undersigned counsel has consulted with counsel for Appellant about the matter, and counsel for Appellant has graciously indicated he has no objections to the State's request for an additional extension.

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

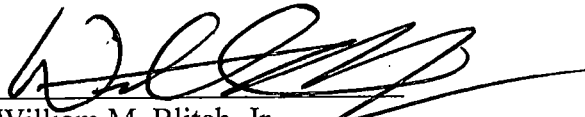
MARK R. FARTHING
Assistant Attorney General


By: 

Mark R. Farthing

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

We have reviewed and approved this extension request.

By: 
William M. Blich, Jr.
Senior Assistant Deputy Attorney General

By: 
Donald J. Zelenka
Deputy Attorney General

May 15, 2019

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County
Honorable Brooks P. Goldsmith, Circuit Court Judge
Appellate Case No. 2017-001018

RECEIVED
MAY 15 2019
SC Court of Appeals

THE STATE,

Respondent,

vs.

JUSTIN ADAMS,

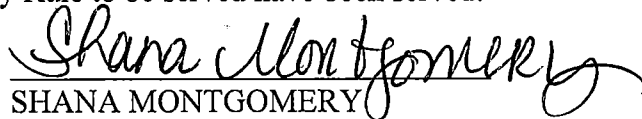
Appellant.

PROOF OF SERVICE

I, Shana Montgomery, certify I have served the within Motion for Fifth Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by sending two copies of the same to:

David Alexander, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify all parties required by Rule to be served have been served.
This 15th day of May, 2019.


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



ALAN WILSON
ATTORNEY GENERAL

May 15, 2019

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

RE: State v. Justin Adams – Appellate Case No. 2017-001018

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Motion for Fifth 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,

Mark R. Forthing
Assistant Attorney General
Bar Number 76901

MRF/
Enclosures

cc: David Alexander, Esq.
Victim Advocacy Division

RECEIVED
MAY 15 2019
SC Court of Appeals