

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM LAURENS COUNTY  
Court of General Sessions  
Frank R. Addy, Jr., Circuit Court Judge

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Appellate Case No. 2018-001684

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**RECEIVED**  
MAY 28 2019  
SC Court of Appeals

The State,..... Respondent,

v.

Michael Cliff Eubanks, ..... Appellant.

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***Petition to Extend Time to File Initial Brief of Appellant and Designation of Matter to  
be Included in the Record on Appeal***

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Michael Cliff Eubanks petitions this Court for an order extending the time to file his Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal. This motion is based on the following grounds.

- 1) Counsel for Mr. Eubanks challenged the accuracy of the transcript. By letter dated February 7, 2019, Court Administration informed this Court and counsel that the transcript had been reviewed and errors were corrected.
- 2) Undersigned counsel received the corrected transcript on February 18, 2019 and notified this Court of receipt of the transcript by letter dated February 20, 2019.
- 3) Mr. Eubank's Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal are due today, Thursday, May 23, 2019.
- 4) Undersigned counsel has been working on this case but has not had time to draft the brief since receiving the corrected transcript.

5) This request is based on undersigned counsel's workload and is not intended for delay. Counsel summarized his other professional obligation since the beginning of 2019 in his extension request dated April 23, 2109. Since then, counsel has traveled to Fairfax, Virginia on May 1-3, 2019 for a deposition in *Spade v. State*, (a Spartanburg County PCR involving a first-degree criminal sexual conduct with a minor charge), filed the initial brief of appellant in this Court in *State v. Dent* on May 8, 2019, prepared for and participated in the oral argument in our Supreme Court in *State v. Durant* on May 9, 2019, prepared for and tried the PCR in *Spade v. State* on May 15-17 and 20, 2019, and filed a return to the State's petition for a writ of *certiorari* in *State v. Brown* on May 20, 2019, pursuant to our Supreme Court's expedited procedures.

6) This extension is necessary for counsel to effectively brief the issues in this appeal. *See Smith v. Robbins*, 528 U.S. 259 (2000), *Evitts v. Lucey*, 469 U.S. 387, 396 (1985); *see also Patrick v. State*, 349 S.C. 203, 562 S.E.2d 609 (2002), *Southerland v. State*, 337 S.C. 610, 524 S.E.2d 833 (1999).

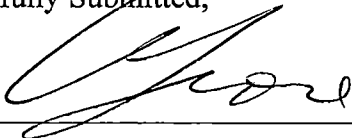
7) Counsel has blocked time to complete this brief. The PCR hearing in *Spade v. State*, originally scheduled for two days, took some of the time counsel had planed to use to complete this brief.

Therefore, counsel for Mr. Eubanks respectfully requests this Court issue an order extending to the time to file Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal to Monday, June 24, 2019.

IT IS SO MOVED.

Respectfully Submitted,

By



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*Attorney for Michael Cliff Eubanks*

May 23, 2019  
Greenwood, South Carolina

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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**Certificate of Service**

I certify that I have served this pleading on the State of South Carolina by placing a copy in the United States Mail, postage prepaid, on the date reflected below, addressed to:

William M. Blich, Jr., Esquire  
S.C. Attorney General's Office  
PO Box 11549  
Columbia, SC 29211

  
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E-mail: charles@groselawfirm.com

May 23, 2019.

**The Grose Law Firm, LLC**  
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May 23, 2019

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**RECEIVED**

MAY 28 2019

**SC Court of Appeals**

Re: *State of South Carolina v. Michael Cliff Eubanks*  
Appellate Case No. 2018-001684

Dear Ms. Kitchings:

Enclosed please find the original and six copies of Mr. Eubanks Petition to Extend Time to File Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal, along with a certificate of service.

Thank you for your attention to this matter. Please let me know if you have any questions or require additional information.

With kindest regards, I am

Yours very truly,

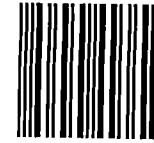
  
E. Charles Grose, Jr.

cc: William M. Blich, Jr., Esquire

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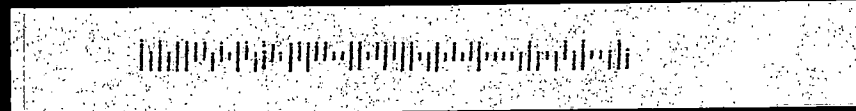


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The Honorable Jenny Abbott Kitchings  
Clerk of Court, S.C. Court of Appeals  
P.O. 11629  
Columbia, SC 29211