

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

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

JUL 01 2019

SC Court of Appeals

Appellate Case No. 2018-001684

The State,..... Respondent,

v.

Michael Cliff Eubanks, Appellant.

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

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, June 27, 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, 2019. 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, 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, and prepared for and tried *State v. Brian Boyter*, a Greenwood County Attempted Murder case on June 3-7, 2019.

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 been working on the brief, which currently includes eight issues. The Brief is almost complete. Counsel anticipates filing the brief no later than Friday, July 5, 2019.

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 Friday, July 5, 2019.

IT IS SO MOVED.

Respectfully Submitted,

By



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Attorney for Michael Cliff Eubanks

June 27, 2019
Greenwood, South Carolina

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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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June 27, 2017.

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June 27, 2019

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

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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. Please note that I requesting an extension only until Friday, July 5, 2019.

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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