

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

On Writ of Certiorari to Berkeley County
Honorable Larry B. Hyman, Jr., Circuit Court Judge
Appellate Case No. 2016-001666

RECEIVED
SEP 06 2019
SC Court of Appeals

JUSTIN RYAN HILLERBY,

Petitioner,

vs.

THE STATE,

Respondent.

**MOTION FOR THIRD EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE BRIEF OF RESPONDENT**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Brief of Respondent is due to be served and filed on September 6, 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 **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 counsel has participated in oral argument at the Supreme Court in 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. 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 Harry Roller v. State; has submitted an Initial Brief of Respondent to the Court of Appeals in State v. Shelby Harper Taylor, State v. Bobby Leon Smith, State v. Justin Adams, State v. Terrell Freeman, State v. Eric Emanuel English, State v. Orin Jerrell Kemp, and State v. William Holmes; has submitted a Petition for Writ of Certiorari to the Supreme Court in State v. John Kenneth Massey, Jr. and John Lydon Upson v. State; and has submitted a Return to Petition for Writ of Certiorari to the Supreme Court in Antwan McMillan v. State, State v. James Bubba Patterson, Joshua Reed v. State, State v. James Carmine Miranda, III, and Charles Green, Jr. v. State; has submitted a Petition for Rehearing to the Supreme Court in State v. James Scott Cross; and has submitted a Petition for Rehearing to the Court of Appeals in State v. Joseph Bowers.

III.

The undersigned counsel submits this extension request is supported by good cause and is not intended for purposes of delay. The Brief in the above-referenced case has required significant research because the case involves an important issue involving expert testimony. 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.

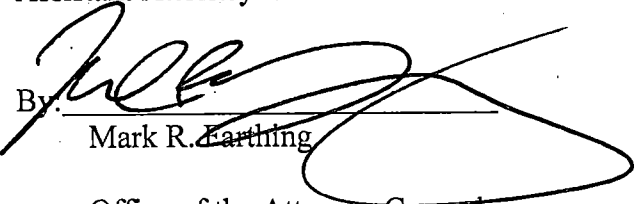
Prior to seeking this extension request, a representative of the State consulted with counsel for Petitioner, and Petitioner's counsel has graciously indicated he has no objections to the extension request.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Brief of Respondent 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,

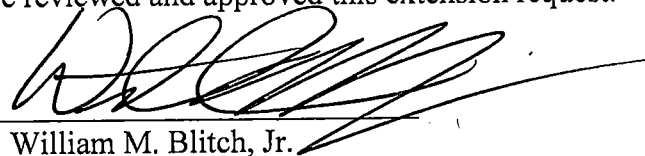
ALAN WILSON
Attorney General

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

I have reviewed and approved this extension request.

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

September 6, 2019

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

On Writ of Certiorari to Berkeley County
Honorable Larry B. Hyman, Jr., Circuit Court Judge
Appellate Case No. 2016-001666

RECEIVED
SEP 06 2019
SC Court of Appeals

JUSTIN RYAN HILLERBY,

Petitioner,

vs.

THE STATE,

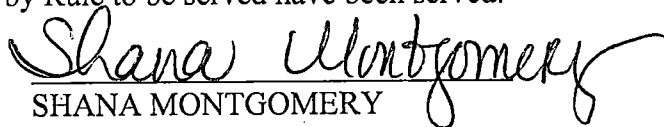
Respondent.

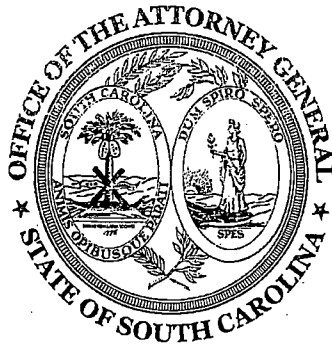
PROOF OF SERVICE

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

Jeremy A. Thompson, Esquire
Law Office of Jeremy A. Thompson, LLC
Post Office Box 12891
Columbia, SC 29211

I further certify all parties required by Rule to be served have been served.
This 6th day of September, 2019.


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



ALAN WILSON
ATTORNEY GENERAL

September 6, 2019

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

RE: Justin Ryan Hillerby v. State – Appellate Case No. 2018-002133

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 Brief of Respondent, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Mark R. Farthing
Assistant Attorney General
Bar Number 76901

MRF/
Enclosures

cc: Jeremy A. Thompson, Esq.
Victim Advocacy Division

RECEIVED
SEP 06 2019
SC Court of Appeals