

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Newberry County
The Honorable Frank R. Addy, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

CLIFTON CURTIS BOOZER,

APPELLANT. NOV 08 2019

Appellate Case No. 2018-001542

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SC Court of Appeals

**MOTION FOR THIRD EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

Respondent, the State, moves this Court for an extension for an additional thirty (30) days in which to file the Initial Brief of Respondent and Designation of Matter. This is Respondent's second request for an extension of time in which to file the brief. In support of the request, undersigned counsel would respectfully show the Court:

1. On October 22, 2019, Counsel filed the Return and Memorandum of Law in Support of Summary Judgment, in the matter of *Joseph Walker v. Warden, Perry Correctional Institution*, C/A No. 8:19-cv-1519-TMC-JDA, a return to a Petition for a Writ of Habeas Corpus arising from an attempted murder conviction in Greenville County, currently pending in the United States District Court.
2. Counsel had been preparing for a capital post-conviction relief hearing on November 6, 2019, in the matter of *Bayan Aleksey v. State of South Carolina*, C/A No 2015-CP-

38-764, which arises from a murder conviction in Orangeburg County. The court continued the hearing on November 5, 2019.

3. Counsel has been preparing for oral argument in the South Carolina Court of Appeals in the case of *State v. Samuel Collins*, Appellate Case No. 2017-002221, a murder conviction from Beaufort County. The case had been previously assigned to another attorney, and is scheduled for oral argument on November 13, 2019.
4. On November 4, 2019, Counsel filed the Brief of Petitioner in the Supreme Court of South Carolina in the matter of *Lance Williams v. State*, Appellate Case No. 2017-001877, an appeal from a grant of post-conviction relief in Lexington County.

Due to counsel's involvement in these and other matters pending in state and federal court, counsel has been unable to timely complete the Return in this proceeding and would request a thirty (30) day extension within which to do so. This request is made in good faith, and not for the purpose of delay. Opposing counsel has graciously consented to this extension via email.

WHEREFORE, premises considered, counsel hereby respectfully requests a thirty (30) day extension of time to serve and file the Return in this matter.

Respectfully Submitted,

ALAN WILSON
Attorney General

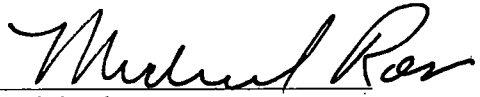
DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General
No. 07979

MICHAEL D. ROSS

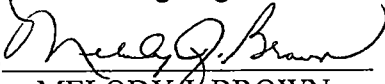
Assistant Attorney General
No. 12990

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: 
Michael D. Ross
ATTORNEYS FOR RESPONDENT

November 8, 2019.

I support the finding of good cause

By: 
MELODY G. BROWN

Senior Assistant Deputy Attorney General

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Newberry County
The Honorable Frank R. Addy, Jr., Circuit Court Judge

THE STATE,

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Appellant

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PROOF OF SERVICE

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I, Michael D. Ross, counsel for the Respondent, certify that I have served two (2) copies of the motion for a second extension to file the Initial Brief of Respondent and Designation of Matter via U.S. mail to Appellant's attorney of record, Susan B. Hackett, Esq., Office of Appellate Defense, 1330 Lady Street, Suite 401, Columbia, South Carolina 29201.

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

This 8th day of November, 2019.



MICHAEL D. ROSS
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

November 8, 2019

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

Re: *The State v. Clifton Curtis Boozer*
Appeal from Newberry County
Appellate Case No. 2018-001542

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Third Motion for Extension of Time to File Initial Brief of Respondent, together with Proof of Service, in the above-referenced matter. Opposing counsel has graciously consented to this extension request.

Thank you for your assistance in this matter.

Sincerely,

Michael Ross
Assistant Attorney General

MDR:brb
Enclosures

cc: Susan B. Hackett, Esq. (w/two copies of encls.)

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