

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Abbeville County  
Honorable Frank R. Addy, Circuit Court Judge  
Appellate Case No. 2018-001658

**RECEIVED**  
DEC 05 2019  
SC Court of Appeals

THE STATE,

RESPONDENT,

vs.

LAWRENCE ORLANDO POSTELL

APPELLANT.

**MOTION OUT OF TIME FOR SECOND 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. REQUEST FOR EXTENSION OUT OF TIME**

Respondent’s Initial Brief and Designation of Matter in the above-captioned appeal was due to be filed and served on December 4, 2019. However, due to counsel for Respondent being out of the error with illness, the request for a second extension was not filed. Respondent intended to request a second extension of thirty days to file its initial brief based on a heavy workload.

Accordingly, Respondent requests this Court relax the rules in order to file, out of time, a request for a thirty-day extension in which to prepare and submit its Initial Brief and Designation of Matter. *See* Rule 263(b), SCACR (“The time prescribed by these Rules for performing any

act except the time for serving the notice of appeal under Rules 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof.”). This is Respondent’s second extension request in this case.

The undersigned counsel apologizes for any inconvenience this request has caused the Court and Appellant. However, Respondent does not believe this request will result in any prejudice to Appellant should it be granted.

## **II. MERITS OF REQUEST**

This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared. The undersigned is currently working on the Brief in this case and hopes to have it completed in a timely manner. I would therefore request an extension of time within which to serve and file the Brief.


## **III. PRAYER FOR RELIEF**

WHEREFORE, Respondent respectfully asks this Court to relax the rules to permit filing of this motion and thereby grant a second extension until **January 3, 2019**, thirty-days from the date on which the initial brief/request for the second extension was originally due based upon the above circumstances.

Respectfully submitted,

ALAN WILSON  
Attorney General

WILLIAM F. SCHUMACHER, IV  
Assistant Attorney General

By:   
William F. Schumacher, IV  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3713

December 5, 2019

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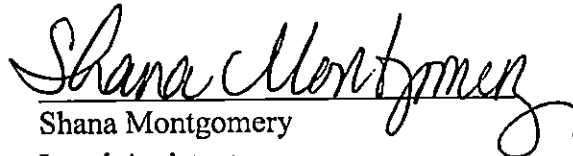
APPELLANT.

\_\_\_\_\_  
**PROOF OF SERVICE**  
\_\_\_\_\_

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

Taylor D. Gilliam  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, South Carolina 29211-1589

I further certify that all parties required by Rule to be served have been served this 5th day of December, 2019.



Shana Montgomery  
Legal Assistant  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-0368



ALAN WILSON  
ATTORNEY GENERAL

December 5, 2019

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

RE: State v. Lawrence Orlando Postell– Appellate Case No. 2018-001658

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Motion Out of Time for Second 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,

William F. Schumacher, IV  
Assistant Attorney General  
Bar Number 100231

WFS/sm  
Enclosures

cc: Taylor D. Gilliam, Esquire  
Victim Advocacy Division

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