

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Spartanburg County
The Honorable J. Derham Cole, Circuit Court Judge

THE STATE OF SOUTH CAROLINA,

Respondent,

v.

ROY GENE SUTHERLAND, III,

RECEIVED
DEC 16 2019
SC Court of Appeals
Appellant

Appellate Case No. 2018-002148

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

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Initial Brief of Respondent in the above-referenced case. Opposing counsel has graciously consented to the request. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief is due today, Monday, December 16, 2019 as per this Court's Order dated November 19, 2019 granting Respondent's first extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since November 19, 2019. Specifically,

1. On December 6, 2019, Counsel filed the Return and Memorandum of Law in Support of Summary Judgment, in the matter of *Jeremy Lee Moody, #359801 vs. Warden McCormick Correctional Institution*, C/A No. 6:19-1538-HMH-KFM, a return to a Petition for a Writ of Habeas Corpus arising from a double murder, kidnapping, and burglary case in Union County, currently pending in United States District Court.

2. On December 9, 2019, Counsel filed the Initial Brief of Respondent in the matter of *The State v. Clifton Curtis Boozer*, Appellate Case No. 2018-001542, a direct appeal from a murder conviction in Newberry County, currently pending in this Court.

3. Counsel had also been preparing for oral argument in the Fourth Circuit Court of Appeals in the case of *Vandross v. Stirling*, Appellate Case No. 18-6916, an appeal from a denial of a Petition for a Writ of Habeas Corpus. The case had originally been assigned to another attorney for the State, requiring a considerable amount of time to review the record in preparation for oral argument. On December 3, 2019, the court notified parties that oral argument, originally scheduled for December 11, 2019, had been continued.

WHEREFORE, counsel respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter. This request is made in good faith, and not for the purposes of delay.

Respectfully Submitted,

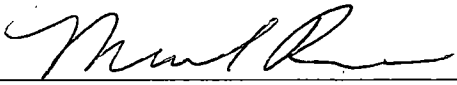
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By: 
MICHAEL D. ROSS
ATTORNEYS FOR RESPONDENT

December 16, 2019 .

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PROOF OF SERVICE

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I, Michael D. Ross, of 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, Kathrine H. Hudgins, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Ste. #401, Columbia, South Carolina 29201.

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

This 16th day of December, 2019.



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



ALAN WILSON
ATTORNEY GENERAL

December 16, 2019

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

Re: *The State v. Roy Gene Sutherland, III*
Appeal from Spartanburg County
Appellate Case No. 2018-002148

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Second 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:bbr
Enclosures

cc: Kathrine H. Hudgins, Esq. (w/two copies of encls.)

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