

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

Appellate Case No. 2018-001572

RECEIVED
JAN 08 2020
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

LANCE ANTONIO BREWTON,

APPELLANT.

**MOTION FOR FOURTH 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.

The Initial Brief of Respondent and Designation of Matter are due to be served and filed on January 8, 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 **fourth** and **final** 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,

Appellant has submitted initial briefs to this Court in State v. Darrell Blackwell and State v. Benjamin Blake; final briefs in State v. Mark Blake and State v. Jake Lake, and has begun prepping for an oral argument in State v. Robin Herndon at the Supreme Court next month. Notably, the instant case is an appeal from a conviction for murder, so counsel has also taken extra time to be thorough with researching the four issues pertaining to this appeal.

III.

The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The Brief in the above-referenced case, an appeal from a murder conviction, has required significant research because the case involves four important issues on appeal, two of which are directly impacted by Supreme Court's opinion in State v. Jalann Williams, a 2019 case in which the court found a defendant was not entitled to a self-defense charge because he was in unlawful possession of a pistol, even though the pistol, as alleged by defendant, was not made known to the Victim until after a physical altercation began. In the instant case, Appellant's illegal possession of a handgun was the reason the trial judge declined to charge the jury on manslaughter and the defense of accident. The opinion also reviewed and interpreted previous opinions related to self-defense, accident, and manslaughter charges, many of which are the very basis for Appellant's arguments in this very appeal. 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.

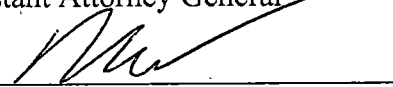
Prior to seeking this extension request, undersigned counsel consulted with counsel for Appellant, and Appellant's counsel has graciously indicated he has no objections to the State's extension request.

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

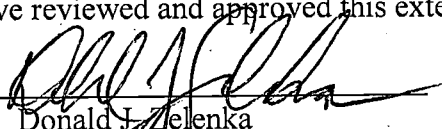
ALAN WILSON
Attorney General

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

I have reviewed and approved this extension request.

By: 
Donald J. Zelenka
Deputy Attorney General

January 8, 2020

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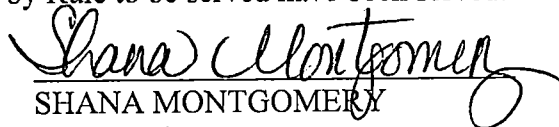
APPELLANT.

PROOF OF SERVICE

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

Adam S. Ruffin, Esq.
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify all parties required by Rule to be served have been served. This 8th day of January, 2020.



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



ALAN WILSON
ATTORNEY GENERAL

January 8, 2020

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

RE: State v. Lance Brewton – Appellate Case No. 2018-001572

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Motion for Fourth 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
Senior Assistant Attorney General
Bar Number 100231

WFS/
Enclosures

cc: Adam S. Ruffin, Esq.
Victim Advocacy Division

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