

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,

Appellant.

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JAN 15 2020

SC Court of Appeals

Appellate Case No. 2018-002148

**MOTION FOR THIRD 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, January 15, 2020 as per this Court's Order dated December 18, 2019 granting Respondent's second extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since December 18, 2019. Specifically,

1. On January 9, 2020, Counsel filed a Reply to Petitioner's Response in Opposition to Motion for Summary Judgment in the case of *Joseph Walker v. Warden, Perry Correctional Institute*, C/A No. 8:19-cv-01519-TMC-JDA, a federal habeas case currently pending in United States District Court.

2. On January 13, 2020, Counsel filed the Return and Memorandum of Law in Support of Summary Judgment, in the matter of *Brice Coley vs. Warden Scott Lewis*, C/A No. 0:19-cv-2174-SAL-PJG, a return to a Petition for a Writ of Habeas Corpus arising from a murder case in Richland County, currently pending in United States District Court.

3. Counsel has also been working on the appellate brief 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 brief is due in the Fourth Circuit Court of Appeals on January 24, 2020. The case had originally been assigned to another attorney for the State, requiring a considerable amount of time to review the record in order to adequately respond.

4. Counsel has also taken vacation days during the holiday season to attend to family matters.

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,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

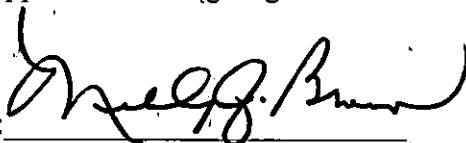
Michael D. Ross
Assistant Attorney General
No. 73986

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

By: 
MICHAEL D. ROSS
ATTORNEYS FOR RESPONDENT

January 15, 2020

I support the finding of good cause

By: 
MELODY J. BROWN

Senior Assistant Deputy Attorney General

STATE OF SOUTH CAROLINA
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PROOF OF SERVICE

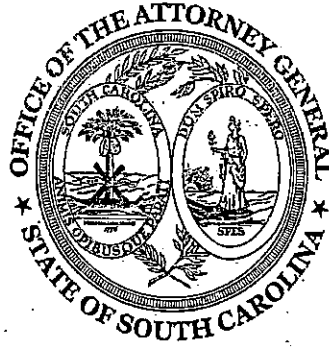
I, Michael D. Ross, of counsel for the Respondent, certify that I have served two (2) copies of the motion for a second extension to file the Initial Brief of Respondent and Designation of Matter via U.S. mail to Appellant's attorney of record, Kathrine H. Hudgins, Esq., SCCID/Division of Appellate Defense, 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 15th day of January, 2020.



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



ALAN WILSON
ATTORNEY GENERAL

January 15, 2020

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JAN 15 2020

SC Court of Appeals

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 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:bbr
Enclosures

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