

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Kershaw County  
Honorable William A. McKinnon, Circuit Court Judge  
Appellate Case No. 2018-001139

**RECEIVED**  
FEB 05 2020  
SC Court of Appeals

THE STATE,

Respondent,

vs.

GREGG PICKRELL,

Appellant.

**MOTION FOR FIFTH 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 February 5, 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 **fifth** 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, the undersigned counsel has participated in oral argument at the Supreme Court in State v. Terry

Williams; has participated in oral argument at the Court of Appeals in State v. Michael Frasier, Jr.; has submitted a Brief of Petitioner to the Supreme Court in State v. John Kenneth Massey, Jr.; has submitted a Brief of Respondent to the Court of Appeals in Justin Ryan Hillerby v. State; has submitted an Initial Brief of Respondent to the Court of Appeals in State v. William Holmes, State v. John Fitzgerald Anderson, State v. Demorris Andrews, State v. Mutekis Jamar Williams, State v. Tony Avella Sanders, and State v. Keunte D. Cobbs; has submitted an Initial Brief of Appellant to the Court of Appeals in State v. Sylvester Ferguson, III; has submitted a Petition for Writ of Certiorari to the Supreme Court in State v. Joseph Bowers; and has submitted a Petition for Rehearing and Suggestion for Rehearing En Banc to the Court of Appeals in State v. Kenneth Strothers Collins. Furthermore, the undersigned counsel submitted an Initial Brief of Respondent to the Court of Appeals in State v. Victoria Lorraine Sanchez today.

### 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 has required significant research because the case involves three important issues on appeal, including an issue involving the denial of a claim of immunity from prosecution. Furthermore, the undersigned counsel has been attempting to obtain copies of exhibits vital to the preparation of the Brief for several weeks and has not yet been able to obtain those copies despite repeated attempts to do so. 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 one final 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

MARK R. FARTHING  
Senior Assistant Attorney General

By: 

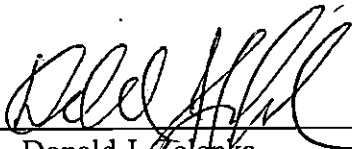
Mark R. Farthing

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

I have reviewed and approved this extension request.

By: 

Melody J. Brown  
Senior Assistant Deputy Attorney General

By:   
Donald J. Zelenka  
Deputy Attorney General

February 5, 2020

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Appellant.

**PROOF OF SERVICE**

I, Shana Montgomery, certify I have served the within Motion for Fifth 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:

Robert M. Dudek, 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 5th day of February, 2020.

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



ALAN WILSON  
ATTORNEY GENERAL

February 5, 2020

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FEB 05 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: State v. Gregg Pickrell – Appellate Case No. 2018-001139

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Motion for Fifth 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,

Mark R. Farthing  
Senior Assistant Attorney General  
Bar Number 76901

MRF/  
Enclosures

cc: Robert M. Dudek, Esq.  
Victim Advocacy Division