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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**  
Appellate FEB 12 2020  
SC Court of Appeals

Appellate Case No. 2018-002148

**MOTION FOR FOURTH 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, Friday, February 14, 2020 as per this Court's Order dated January 30, 2020 granting Respondent's third extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since January 30, 2020. Specifically,

1. On January 24, 2020, Counsel completed and filed an appellate brief 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, and thus required a considerable amount of time to review the file in order to appropriately respond.

2. From January 26, 2020 to February 1, 2020, Counsel was ordered to military duty with the Army National Guard at Camp Williams, Utah.

3. On February 12, 2020, Counsel filed a Return and Memorandum of Law in Support of Summary Judgment in the matter of *Edward Tyler v. Warden Williams*, C/A No. 0:19-cv-2874-JFA-PJG, a federal habeas case pending in the United States District Court. In the case, the inmate challenges a murder conviction out of Bamberg County.

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

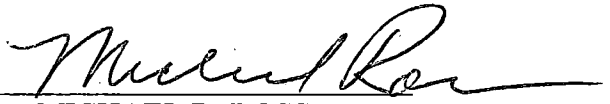
Post Office Box 11549

Columbia, South Carolina 29211  
(803) 734-6305

February 12, 2020

ATTORNEYS FOR RESPONDENT

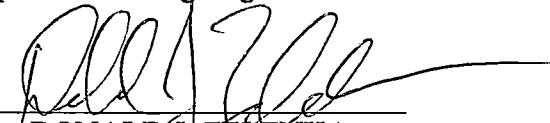
Michael D. Ross  
Assistant Attorney General

By:   
MICHAEL D. ROSS  
No. 12990  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

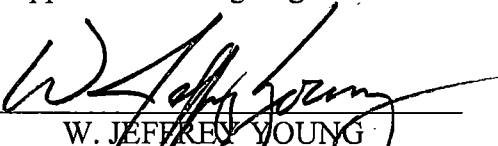
ATTORNEY FOR RESPONDENT

February 12, 2020.  
Columbia, South Carolina

I support the finding of good cause.

By:   
DONALD J. ZELENKA  
Deputy Attorney General

I too support the finding of good cause.

By:   
W. JEFFREY YOUNG  
Chief Deputy Attorney General

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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

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THE STATE OF SOUTH CAROLINA,

Respondent,

v.

ROY GENE SUTHERLAND, III,

Appellate Case No. 2018-002148

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FEB 12 2020  
Appellant,  
SC Court of Appeals

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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 fourth 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 12th day of February, 2020.



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



ALAN WILSON  
ATTORNEY GENERAL

February 12, 2020

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 Fourth Motion for Extension of Time to File Initial Brief of Respondent and Designation of Matter, 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.)

**RECEIVED**  
FEB 12 2020  
SC Court of Appeals