

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County
Honorable J. Derham Cole, Circuit Court Judge
Appellate Case No. 2019-001296

THE STATE,

vs.

CARL RAY FRALEY,

Respondent.
RECEIVED
FEB 26 2020
SC Court of Appeals
Appellant.

**MOTION FOR THIRD 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 26, 2020.

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 **third** 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. and State v. Ontavious Derenta Plumer; 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, State v. Keunte D. Cobbs, and State v. Victoria Lorraine Sanchez; 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.

III.

The undersigned counsel submits this extension request is supported by good cause and is not intended for purposes of delay. The Brief in the above-referenced case has required significant research because the case involves an important issue dealing with the imposition of sex offender registration subsequent to a guilty plea. 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.

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: 

William M. Blich, Jr.
Senior Assistant Deputy Attorney General

February 26, 2020

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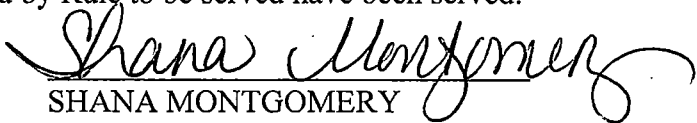
PROOF OF SERVICE

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

Richard W. Vieth, Esq.
Henderson, Brandt & Vieth, P.A.
360 E. Henry Street, Suite 101
Spartanburg, SC 29302

Stanley T. Case, Esq.
Butler, Means, Evins & Browne, P.A.
Post Office Box 451
Spartanburg, SC 29304

I further certify all parties required by Rule to be served have been served.
This 26th 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 26, 2020

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

RE: State v. Carl Ray Fraley – Appellate Case No. 20189-001296

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Motion for Third 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: Richard W. Vieth, Esq.
Stanley T. Case, Esq.
Victim Advocacy Division

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