

**ORIGINAL**

**RECEIVED**

**DEC 31 2019**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Charleston County

J.C. Nicholson Jr., Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

V.

JOSEPH LAMAR BROWN, JR.,

APPELLANT

Appellate Case No. 2019-000781  
\_\_\_\_\_

**MOTION TO FILE OUT OF TIME A REQUEST  
FOR EXTENSION OF TIME TO FILE THE INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER**

\_\_\_\_\_

Pursuant to Rule 240, SCACR, and Rule 263(b), SCACR, counsel for Joseph Lamar Brown, Jr., respectfully requests this Court permit counsel to file out of time a request for an extension of time to file the initial brief of appellant and designation of matter. Additionally, counsel respectfully requests this Court treat this motion as the request for an extension of time to file the initial brief of appellant and designation of matter. More specifically, counsel respectfully requests this Court grant a **final extension** to file the initial brief of appellant and designation of matter until **February 3, 2020**. In support of this request, counsel shows:

(1) The initial brief and designation of matter was due to be filed on October 31, 2019. On that date, counsel emailed a request for an extension of time for thirty days to this Court. The attorney for the state responded, expressing no objection to the request. These emails are attached to this motion.

(2) When counsel requested the extension of time, counsel failed to ensure the new due date was calendared. Therefore, when the new date arrived, which would have been December 2, 2019, counsel failed to seek a third extension of time.

(3) Upon learning of this oversight, counsel acted immediately to move this Court to file out of time a request for an extension of time for filing the initial brief of appellant and designation of matter. Further, counsel made counsel for the Attorney General's Office aware of the oversight as well.

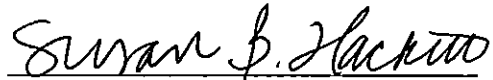
(4) Had counsel requested the third extension of time and had it been granted, the initial brief of appellant and designation of matter would have been due on January 2, 2020. Due to the short time frame between this motion and the next due date, counsel respectfully requests this Court grant a **final extension** of time until **February 3, 2020**, for the filing of the initial brief of appellant and designation of matter.

(5) Counsel makes this request in good faith and not for purposes of delay.

(6) Counsel for the Attorney General's Office consents to this request as shown by her signature below.

WHEREFORE, counsel for Appellant respectfully requests the Court permit counsel to file out of time a request for an extension of time to file the initial brief of appellant and designation of matter. Further counsel respectfully requests this Court consider this motion

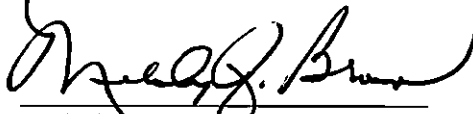
as counsel's request for a **final extension** of time until **February 3, 2020**, to file the initial brief of appellant and designation of matter in this case.

  
\_\_\_\_\_  
Susan B. Hackett  
Appellate Defender

ATTORNEY FOR APPELLANT

December 31, 2019

I consent:

  
\_\_\_\_\_  
Melody J. Brown, Esquire

**ATTACHMENT**

## Hackett, Susan

---

**From:** Melody Brown <MBrown@scag.gov>  
**Sent:** Thursday, October 31, 2019 12:18 PM  
**To:** Stock, Chris; coaextensions@sccourts.org; ABENNETTSCAG.GOV  
**Cc:** Hackett, Susan; White, Della  
**Subject:** [External] RE: The State v. Joseph Lamar Brown, Jr. -APPELLATE CASE # 2019-000781

Dear Ms. Kitchings:

Respondent has no objection to the below extension request.

Sincerely,

Melody J. Brown  
Senior Assistant Deputy Attorney General  
Capital and Collateral Litigation Section  
Office of the Attorney General, State of South Carolina  
Post Office Box 11549  
Columbia, South Carolina 29211-1549  
P 803-734-6305  
F 803-734-4035  
[mbrown@scag.gov](mailto:mbrown@scag.gov)

---

**From:** Stock, Chris [mailto:cstock@sccid.sc.gov]  
**Sent:** Thursday, October 31, 2019 9:01 AM  
**To:** coaextensions@sccourts.org; Melody Brown; Angela Bennett  
**Cc:** Hackett, Susan; White, Della  
**Subject:** Re: The State v. Joseph Lamar Brown, Jr. -APPELLATE CASE # 2019-000781

Clerk's Office

South Carolina Court of Appeals

Re: The State v. Joseph Lamar Brown, Jr. -APPELLATE CASE # 2019-000781

Dear Ms. Kitchings:

The Initial Brief of Appellant and Designation of Matter in the above case are due to be served and filed with the Court today. However, due to my heavy work-load, I am requesting a thirty day extension in which to serve and file this brief. The Court has granted one previous extension.

By copy of this email, I am asking Melody J. Brown, Esquire to forward her consent to this request.

Please do not hesitate to contact me if you have any questions. Thank you for your assistance in this matter.

Sincerely,

Susan B. Hackett

Appellate Defender

SBH/cws

**Chris Stock**

Administrative Assistant

Commission on Indigent Defense

Appellate Division

(803) 734-1330

---

This communication and any attachment thereto is intended only for use by the addressee(s) named herein, and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, utilization, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error please notify the Commission on Indigent Defense immediately and permanently delete the original and any copy of any e-mail and any printout thereof. SCCID may be reached by using the email address of the sender, or at 803-734-1343.

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Charleston County  
J.C. Nicholson Jr., Circuit Court Judge  
\_\_\_\_\_

**RECEIVED**  
DEC 31 2019  
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JOSEPH LAMAR BROWN,

APPELLANT

\_\_\_\_\_  
CERTIFICATE OF SERVICE  
\_\_\_\_\_

The undersigned attorney hereby certifies that a true copy of the motion to file out of time a request for an extension of time to file the initial brief of appellant and designation of matter in the above referenced case has been served upon Melody J. Brown., Esquire, this 31<sup>st</sup> day of December, 2019.

Susan B. Hackett  
Susan B. Hackett  
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me  
this 31<sup>st</sup> day of December, 2019.

G. H. Hackett (L.S.)  
Notary Public for South Carolina

My Commission Expires: September 27, 2024.

