

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Honorable Steven H. John, Circuit Court Judge

THE STATE,

v.

ROGER D. GRATE,

Respondent,

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MAR 05 2020

SC Court of Appeals
Appellant

Appellate Case No. 2019-000472

**MOTION FOR SECOND EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

Respondent, the State, moves this Court for an additional thirty (30) day extension of time in which to file the Initial Brief of Respondent and Designation of Matter. This is Respondent's second request for an extension of time in which to file the brief. In support of the request, undersigned counsel for Respondent would respectfully show unto the Court that he has been scheduled to complete a number of state and federal matters in the last thirty (30) days to include the following:

1. Counsel prepared for oral argument on behalf of the State of South Carolina before the South Carolina Court of Appeals in the matter of The State vs. James Heyward, Appellate Case No. 2017-001542, a Richland County murder appeal matter on February 6, 2020;

2. Counsel filed Respondent's Reply to Objection to Report and Recommendation [ECF #19] in the matter of Lamar Dontray Williams, #285568 vs. Randall Williams, C/A No. 6:19-01008-MGL on February 18, 2020;

3. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Devoun Bennett, #355219 vs. Warden of Turbeville Correctional Institution, C/A No. 1:19-2871-BHH-SVH on February 18, 2020;

4. Counsel filed the Final Brief of Respondent in the matter of The State vs. Isaiah Gadson, Jr., Appellate Case No. 2018-001041, a Beaufort County murder appeal matter now pending in the South Carolina Court of Appeals on February 24, 2020;

5. Counsel filed the Respondent's Response in Opposition to Petitioner's Motion for Hearing and Motion for Appointment of Counsel [ECF #30] in the matter of George A. Cousins, #350976 vs. Warden Kendall, C/A No. 8:19-3021-TMC-JDA on February 27, 2020;

6. Counsel filed the Reply to Petitioner's Objections to the Report and Recommendation [ECF #81] in the matter of Marion Bowman, Jr., #6006 vs. Bryan Stirling, Director, SCDC, and Willie D. Davis, Warden, Kirkland Correctional Institution, C/A No. 9:18-00287-TLW-BM, a Dorchester County capital matter now pending in this Court on February 28, 2020;

7. Counsel prepared the Return to Petition for Writ of Certiorari in Abdiyyah Ben Alkebulanyahh a/k/a Tyree Roberts vs. State of South Carolina, Appellate Case No. 2019-000529, a Beaufort County capital matter now pending in the South Carolina Supreme Court on March 2, 2020; and

8. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of George A. Cousins, #350976 vs. Warden Kendall, C/A No. 8:19-3021-TMC-JDA today, March 3, 2020.

Counsel is currently preparing the Initial Brief in this matter, but has been unable to complete the responsive brief in a timely fashion due to his caseload. Accordingly, he requests the additional time in order to do so. Counsel for Appellant has consented via email to this request.

WHEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete the Initial Brief of Respondent and Designation of Matter.

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

W. JOSEPH MAYE
Assistant Attorney General

By: 
W. JOSEPH MAYE

S.C. Bar No. 100851
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Columbia, South Carolina 29211
(803) 734-6305
ATTORNEY FOR RESPONDENT

March 3, 2020
Columbia, South Carolina

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Honorable Steven H. John, Circuit Court Judge

THE STATE,

Respondent,

v.

ROGER D. GRATE,

Appellate Case No. 2019-000472


PROOF OF SERVICE

Appellant **RECEIVED**
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SC Court of Appeals

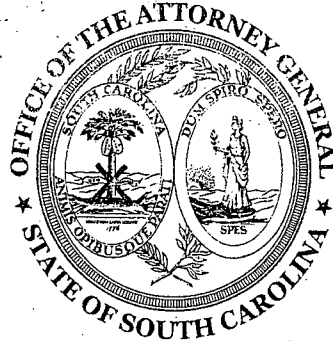
I, W. Joseph Maye, certify that I have served Respondent's Motion for a Second Extension of Time to file Initial Brief of Respondent and Designation of Matter by depositing two (2) copies of the same in the United States mail, postage prepaid, to counsel for Appellant, addressed as follows:

Susan B. Hackett, Esq.
SCCID/Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201

This 3rd day of March, 2020.


W. JOSEPH MAYE
S.C. Bar No. 100851
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

March 3, 2020

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

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SC Court of Appeals

Re: *The State v. Roger D. Grate*
Appeal from Horry County
Appellate Case No. 2019-000472

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Second Motion for Extension of Time to File Initial Brief of Respondent, together with Proof of Service, in the above-referenced matter. Counsel for Appellant has consented to this extension request.

Thank you for your assistance in this matter.

Sincerely,


W. Joseph Mayo
Assistant Attorney General

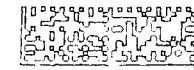
WJM:dmd

Enclosures

cc: Susan B. Hackett, Esq. (w/two copies of encls.)

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OFFICE OF THE ATTORNEY GENERAL
State of South Carolina
P. O. Box 11549 - Columbia SC 29211-1549

The Honorable Jenny A. Kitchings
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