

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Apr 15 2020

SC Court of Appeals

Appeal from Abbeville County
Honorable R. Scott Sprouse, Circuit Court Judge
Appellate Case No. 2019-000454

THE STATE,

Respondent,

vs.

BRANDON KEITH MOORE,

Appellant.

**MOTION FOR FOURTH 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 April 15, 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 **fourth** 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. John

Kenneth Massey, Jr.; has participated in oral argument at the Court of Appeals in State v. Ontavious Derenta Plumer and State v. Justin Adams; has submitted an Initial Brief of Respondent to the Court of Appeals in State v. Keunte D. Cobbs, State v. Victoria Lorraine Sanchez, State v. Gregg Pickrell, and State v. Carl Ray Fraley, Jr.; has submitted a Petition for Writ of Certiorari to the Supreme Court in State v. Kenneth Strothers Collins; 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 extraordinary circumstances and is not intended for purposes of delay. In addition to the unusual circumstances we are all collectively experiencing, the Brief in the above-referenced case has required significant research because the case involves two important issues dealing with the propriety of the sentence imposed by the trial judge. 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.

IV.

Prior to making this extension request, the undersigned counsel consulted with counsel for Appellant about the matter, and counsel for Appellant has graciously indicated he consents 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 approved this extension request.

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

By: /s/ Donald J. Zelenka
Donald J. Zelenka
Deputy Attorney General

April 15, 2020

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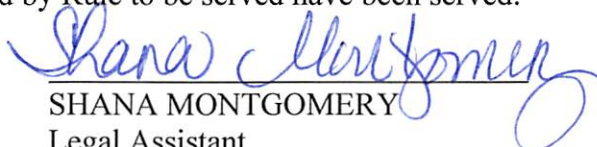
Appellant.

PROOF OF SERVICE

I, Shana Montgomery, certify I have served the within Motion for Fourth Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by sending an electronic copy via email to the address listed in AIS for the following individual and by mailing copies to:

E. Charles Grose, Jr., Esq.
Grose Law Firm
404 Main St.
Greenwood, SC 29646

I further certify all parties required by Rule to be served have been served.
This 15th day of April, 2020.



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

From: Shana Montgomery
To: ["charles@groselawfirm.com"](mailto:charles@groselawfirm.com)
Cc: [Mark Farthing](#)
Subject: Brandon K. Moore ; Appellate Case # 2019-00454
Date: Wednesday, April 15, 2020 12:22:00 PM
Attachments: [02257882.PDF](#)

Good Afternoon,

Please see the attached Motion for Fourth Extension of Time for Brandon K. Moore. A hard copy will also be placed in today's mail. Please confirm receipt of this email and let me know if anything else is needed.

Thank You.

Shana Montgomery
Legal Assistant
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211

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