

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Dec 09 2020

SC Court of Appeals

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Appeal from Richland County  
Honorable George M. McFaddin, Jr., Circuit Court Judge  
Appellate Case No. 2020-000631

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THE STATE,

Respondent,

vs.

CHARLES DAVENPORT, JR.,

Appellant.

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**MOTION FOR THIRD EXTENSION OF TIME WITHIN WHICH  
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT  
AND DESIGNATION OF MATTER**

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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 December 9, 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. Earlier today, the undersigned counsel participated in oral argument at the Supreme Court in State v. Joseph Bowers. Likewise,

in the past few weeks, the undersigned counsel has participated in oral argument at the Court of Appeals in State v. Adam Keith Lunsford, State v. Robert Lee Miller, III, and State v. Darrell Oneil Boston; has submitted an Initial Brief of Respondent to the Supreme Court in State v. William D. Lewis; has submitted a Return to Petition for Writ of Certiorari to the Supreme Court in State v. Kenneth Strothers Collins and State v. Michael N. Frasier, Jr.; has submitted a Return to Petition for Writ of Certiorari to the Court of Appeals in George Napoleon Moses v. State; and has submitted a Petition for Rehearing to the Court of Appeals in State v. Randy Wright.

### III.

The undersigned counsel submits this extension request is supported by good cause and is not intended for purposes of delay. To date, the undersigned counsel has been unable to complete the Brief in this case due to work required in other cases. Beyond that, the Brief in the above-referenced case has required significant research because the case involves two important sentencing issues on appeal. 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

December 9, 2020

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IN THE COURT OF APPEALS

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Honorable George M. McFaddin, Jr., Circuit Court Judge  
Appellate Case No. 2020-000631

THE STATE,

Respondent,

vs.

CHARLES DAVENPORT, JR.,

Appellant.

**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 an electronic copy via email to the address listed in AIS for the following individual:

Elizabeth Franklin-Best, Esq.  
Elizabeth Franklin-Best, P.C.  
2725 Devine Street  
Columbia, SC 29205

I further certify all parties required by Rule to be served have been served.  
This 9th day of December, 2020.



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

**Shana Montgomery**

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**From:** Shana Montgomery  
**Sent:** Wednesday, December 9, 2020 2:58 PM  
**To:** elizabeth@franklinbestlaw.com  
**Cc:** Shana Montgomery; Mark Farthing  
**Subject:** State V. Charles Davenport ; Appellate Case No. 2020-00631 ; Third Extension Request  
IBOR  
**Attachments:** 02445000.PDF

Good Afternoon,

Attached please find a copy of the third extension request for State V. Davenport (2020-000631). Please confirm receipt. This request will be submitted to the South Carolina Court of Appeals today via the AIS One Drive System. In addition to this email, a hard copy will be placed in today's mail. Please don't hesitate to contact us should you have any questions or concerns.

Thank You.

Shana Montgomery  
Legal Assistant  
Office Of The Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
803-734-7239

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**Dec 09 2020**

**SC Court of Appeals**