

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Jan 08 2021

SC Court of Appeals

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

THE STATE,

Respondent,

vs.

CHARLES DAVENPORT, JR.,

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 January 8, 2021.

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** and **final** 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 participated in oral argument at the Supreme Court in State v. Joseph

Bowers; 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 and Initial Brief of Respondent to the Court of Appeals in State v. Shi Heme Raquan Price; has submitted a Return to Petition for Writ of Certiorari to the Supreme Court in State v. Kenneth Strothers Collins, State v. Michael N. Frasier, Jr., and Justin Ryan Hillerby v. State; 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 extraordinary circumstances 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 along with his other responsibilities in the office. 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. No further extensions of time will be requested for the completion of 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

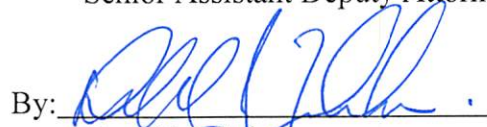
By: 

Mark R. Farthing
S.C. Bar Number 76901

I have reviewed and approved this extension request.

By: 

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

By: 

Donald J. Zelenka
Deputy Attorney General

January 8, 2021

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THE STATE,

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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:

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 8th day of January, 2021.



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

Shana Montgomery

From: Shana Montgomery
Sent: Friday, January 8, 2021 4:39 PM
To: elizabeth@franklinbestlaw.com
Cc: Shana Montgomery; Mark Farthing
Subject: State V. Charles Davenport ; Appellate Case No. 2020-000631; Fourth Extension Request (IBOR)
Attachments: 02463366.PDF

Good Afternoon,

Attached please find a copy of the motion for an fourth extension request for State V. Charles Davenport (2020-000631) Please confirm receipt. This motion 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
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Columbia, South Carolina 29211
803-734-7239

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