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Feb 08 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions
The Honorable Robin B. Stilwell, Circuit Court Judge

Appellate Case No. 2019-001529

THE STATE,RESPONDENT,

v.

CURTIS ALLEN BABB, 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 February 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. The undersigned has had

numerous initial briefs due within the last several weeks, including a brief in State v. Darryl Wilson, which is being submitted today; numerous final briefs, including one submitted in State v. Rodney Furtick and one due later this week in State v. Brandon Clark; and a Return to Petition for a Writ of Certiorari in State v. Heyward Martin.

III.

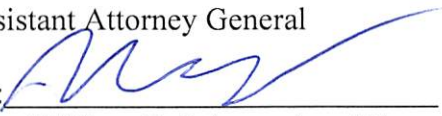
The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. To date, the undersigned counsel has been unable to complete the Brief in this case due to work required in other cases along with his other responsibilities in the office. 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,

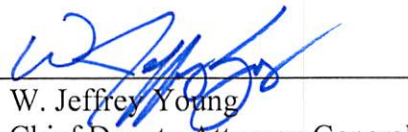
ALAN WILSON
Attorney General

WILLIAM F. SCHUMACHER, IV
Assistant Attorney General

By: 
William F. Schumacher, IV
S.C. Bar Number 100231

I have reviewed and approved this extension request.

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

By: 
W. Jeffrey Young
Chief Deputy Attorney General

February 8, 2021

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v.

CURTIS ALLEN BABB, JR.,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:

Adam Sinclair Ruffin, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29211-1589

I further certify all parties required by Rule to be served have been served this 8th day of February, 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 2:19 PM
To: Leverett, Scott; Ruffin, Adam
Cc: Shana Montgomery; Bill Schumacher
Subject: State V. Curtis A. Babb; Appellate Case No. 2019-001529 ; Third Extension Request (IBOR)
Attachments: 02463185.PDF

Attached please find a copy of the motion for a third extension request for State V. Babb (2019-001529). 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
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803-734-7239