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Apr 19 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of General Sessions
R. Ferrell Cothran Jr., Circuit Court Judge

Appellate Case No. 2019-000292

The State,Respondent,

v.

Shawn Douglas Custer,Appellant.

**Motion for Extension of Time and Motion to
Accept Initial Reply Brief of Appellant as Filed**

Undersigned counsel for Shawn Custer moves this Court for an order for an extension of time to file his Initial Reply Brief of Appellant of four days until today, April 19, 2021. This request is based on counsel’s other professional obligations and is not intended for delay. Counsel prepared for and presented an oral argument in this Court on April 13, 2021, via WebEx, in *State v. Eubanks*, Appellate Case No. 2018-001684. Counsel prepared for and presented the evidentiary hearing, on April 16, 2021, via WebEx, in *Macon v. State*, Case No. 2019-CP-40-05591, a post-conviction relief (“PCR”) case.

Contemporaneously with this motion, undersigned counsel is filing the Initial Reply Brief of Appellant and, accordingly, requests this Court accept the brief as filed.

The State served the Initial Brief of Respondent on April 15, 2021. Undersigned counsel properly calendared the due date but overlooked requesting an extension of time because of the oral argument and PCR hearing last week. Undersigned counsel apologizes

for any inconvenience to the Court or counsel. Counsel respectfully requests this Court accept this request out of time.

Prior to filing this motion, undersigned counsel communicated with counsel for the State who consents to this motion. Ex. A.

IT IS SO MOVED.

Respectfully Submitted,

By s/E. Charles Grose, Jr.

E. Charles Grose, Jr.
S.C. Bar Number 66063
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
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Attorney for Appellant Shawn Custer

April 19, 2021
Greenwood, South Carolina

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The State,Respondent,

v.

Shawn Douglas Custer,Appellant.

Certificate of Service

I certify that I have served the Initial Reply Brief of Appellant on the State of South Carolina by email, on the date reflected below, addressed to:

Jonathan Scott Matthews, Esquire
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211
smatthews2@scag.gov

s/E. Charles Grose, Jr.
E. Charles Grose, Jr.
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
(864) 538-4466
E-mail: charles@groselawfirm.com

April 19, 2021

Exhibit A

Subject: Re: The State - Custer Shawn Douglas Appellate Case No. 2019-000292 Letter to COA Requesting a Second Extension to File IBOR and DOM (02506169xD2C78).PDF

Date: Monday, April 19, 2021 at 10:47:53 AM Eastern Daylight Time

From: Charles Grose

To: Scott Matthews

Thank you very much.

Best,
Charles

E. Charles Grose, Jr.
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
Phone: 864-538-4466
Fax: 864-538-4405
Web: GroseLawFirm.com
Email: charles@groselawfirm.com

From: Scott Matthews <SMatthews2@scag.gov>

Date: Monday, April 19, 2021 at 10:41 AM

To: Charles Grose <charles@groselawfirm.com>

Subject: RE: The State - Custer Shawn Douglas Appellate Case No. 2019-000292 Letter to COA Requesting a Second Extension to File IBOR and DOM (02506169xD2C78).PDF

Charles,

I consent to your motion.

Scott

From: Charles Grose <charles@groselawfirm.com>

Sent: Monday, April 19, 2021 10:35 AM

To: Sally Ellison <sbellison@scag.gov>

Cc: Scott Matthews <SMatthews2@scag.gov>; William Blitch <wblitch@scag.gov>; Sally Ellison <sbellison@scag.gov>; Victim Services <VictimServices@scag.gov>; Laura Wingard <laura@groselawfirm.com>

Subject: Re: The State - Custer Shawn Douglas Appellate Case No. 2019-000292 Letter to COA Requesting a Second Extension to File IBOR and DOM (02506169xD2C78).PDF

Scott,

The initial reply brief was due on April 15th. As set forth in the attached motion, I overlooked requesting an extension because of an oral argument and PCR hearing last week. I have completed the reply brief and plan to file today and request the Court accept it out of time. I would like to add the State's position.

Thank you for considering this, and I hope you are well.

Best,
Charles

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From: Sally Ellison <sbellison@scag.gov>
Date: Friday, March 5, 2021 at 9:23 AM
To: Charles Grose <charles@groselawfirm.com>
Cc: Scott Matthews <SMatthews2@scag.gov>, William Blitch <wblitch@scag.gov>, Sally Ellison <sbellison@scag.gov>, Victim Services <VictimServices@scag.gov>
Subject: The State - Custer Shawn Douglas Appellate Case No. 2019-000292 Letter to COA Requesting a Second Extension to File IBOR and DOM (02506169xD2C78).PDF

Good Morning:

Attached please find the Respondent's letter to the Court of Appeals requesting a second extension to file the Initial Brief of Respondent and Designation of Matter in the above appeal. This letter will be filed today with the Court of Appeals through AIS One Drive. Please confirm receipt of this email and attachment.

Thank you.

Sally Ellison
Legal Assistant
SC Attorney General's Office
1000 Assembly Street
Columbia, South Carolina 29201