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May 26 2021

SC Court of Appeals

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Charleston County
The Honorable Kristi F. Curtis, Circuit Court Judge

Appellate Case No. 2020-000556

THE STATE,

Respondent,

vs.

BRANDON CHRISTOPHER GRAYER,

Appellant.

MOTION TO FILE EXTENSION REQUEST OUT OF TIME

Respondent moves to file an extension request out of time to allow additional time to prepare and file the Initial Brief of Respondent and Designation of Matter. In support of this motion, counsel would respectfully show the Court the following:

1. The Initial Brief of Respondent and Designation of Matter were due to be served and filed on or before April 29, 2021. On April 29, 2021, Respondent's counsel prepared and served a letter requesting a first extension of thirty (30) days. (Attachment, letter and service email). Though intending to do so, Respondent inadvertently failed to electronically file the extension request through the Court's One Drive System. Having been alerted of the oversight, Respondent respectfully requests the Court accept the extension letter and service email out of time, and allow the extension.

2. Opposing counsel, Appellate Defender David Alexander, by agency to agency agreement, has consented to motions to file out of time through May 31, 2021.

WHEREFORE, for good cause shown, counsel hereby respectfully requests the Court allow the filing of the request out of time and grant a thirty (30) day extension of time in which to file the brief and designation of matter.

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General
SC Bar No. 07979

JULIANNA E. BATTENFIELD
Assistant Attorney General
SC Bar No: 103135

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

s/Melody J. Brown

By: _____

MELODY J. BROWN
ATTORNEYS FOR RESPONDENT

May 26, 2021



ALAN WILSON
ATTORNEY GENERAL

April 29, 2021
[Via Electronic Mail Only]

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: *The State v. Brandon Christopher Grayer*
Appeal from Charleston County
Appellate Case No. 2020-000556

Dear Ms. Kitchings:

I hereby request an extension of thirty (30) days in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. The Initial Brief is currently due to be served and filed today, April 29, 2021. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Initial Brief.

Therefore, I am requesting this extension within which to serve and file the Initial Brief of Respondent and Designation of Matter. Counsel for Appellant has graciously consented to all extension requests up to and including April 30, 2021.

Sincerely,

s/ Julianna E. Battenfield

Julianna E. Battenfield
Assistant Attorney General
S.C. Bar No: 103135

JEB/abb

cc: David Alexander (Via email only)

Angela Brown

From: Angela Brown
Sent: Thursday, April 29, 2021 10:33 AM
To: David Alexander (dalexander@sccid.sc.gov)
Cc: 'Matthews, Lindsey'; Julianna Battenfield
Subject: The State v. Brandon Grayer
Attachments: 02556162.pdf

Follow Up Flag: Worldox

Mr. Alexander, please find attached the State's request for an extension of time to serve and file the Initial Brief of Respondent and Designation of Matter in the appeal of The State v. Brandon Grayer. The letter requesting an extension will be filed with the Court of Appeals on today's date.

Thank you,

Angela Bennett Brown
Administrative Coordinator
Criminal Division
(803) 734-0368

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211

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BRANDON CHRISTOPHER GRAYER,

Appellant.

CERTIFICATE OF SERVICE

I, Angela Brown, am an employee of the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion to File Extension Request Out of Time, and Certificate of Service has been forwarded to Appellant's counsel, David Alexander, Esquire via email today, May 26, 2021 to dalexander@sccid.sc.gov, and to his assistant Lindsey Matthews, at lmattthews@sccid.sc.gov.

I further certify that all parties required by Rule to be served have been served.

This 26th day of May, 2021.

s/ Angela Brown

Angela Brown
Legal Assistant to Melody J. Brown
Senior Assistant Deputy Attorney General

Angela Brown

From: Angela Brown
Sent: Wednesday, May 26, 2021 2:27 PM
To: David Alexander (dalexander@sccid.sc.gov); 'Matthews, Lindsey'
Cc: Melody Brown; Julianna Battenfield
Subject: The State v. Brandon Grayer
Attachments: 02589620.pdf

Follow Up Flag: Worldox

Mr. Alexander, please find attached the state's motion to file extension request out of time in the matter of The State v. Brandon Grayer. The motion will be filed with the South Carolina Court of Appeals on today's date.

Thank you,

Angela Bennett Brown
Administrative Coordinator
Criminal Division
(803) 734-0368

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211