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Dec 07 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from the Administrative Law Court

Judge H.W. Funderburk, Jr., Administrative Law Judge

Appellate Case No. 2021-001162

Larry Blackwell, #176790.....Appellant,

v.

SCDPPPS.....Respondent.

MOTION FOR SECOND EXTENSION OF TIME

Appellant, Larry Blackwell, though undersigned counsel, hereby requests an extension of time in which to file and serve his Initial Brief and Designation of Matter, currently due to be filed on December 8, 2021. Specifically, undersigned counsel requests an additional ten days in which to file the Initial Brief and Designation of Matter, making the filing deadline Monday, December 20, 2021. In support of this motion, undersigned counsel would show:

1. On November 9, 2021, this Court granted Appellant’s first request for additional time, extending the deadline for filing his Initial Brief and the Designation of Matter until December 8, 2021.
2. Undersigned counsel has consulted with counsel for Respondent, who consents to the above-requested ten-day extension of time.

3. Undersigned counsel Hannah Freedman, who is representing Mr. Blackwell on a *pro bono* basis, also represents multiple death-sentenced individuals and several juvenile offenders whose cases have been very active over the past month. Specifically, she is counsel in the capital post-conviction case *Luzenski Cottrell v. State*, No. 2018-CP-05709, which is scheduled for an in-person hearing in Georgetown on December 16, 2021, which has required extensive preparation, and for a full evidentiary hearing in March 2021. On October 29, 2021, Ms. Freedman prepared and filed a Petition for Writ of Certiorari in the Supreme Court of the United States on behalf of Gary DuBose Terry, another capital defendant, and her response to the State's Brief in Opposition in that case is due on December 14, 2021. *Terry v. Sitrling*, No. 21-6151. Ms. Freedman is actively preparing a clemency petition in that case. Ms. Freedman is also counsel in two consolidated cases challenging the State's newly adopted methods-of-execution statute, both of which the State recently removed to federal court under the caption *Owens v. Stirling*, No. 3:21-cv-03564-JD. Ms. Freedman has worked on various motions relating to removal jurisdiction over the past month.

4. Additionally, Ms. Freedman prepared for and appeared at a parole hearing on behalf of a juvenile offender sentenced to life with the possibility of parole on November 10, 2021, and she is representing that client in his administrative appeals and at this Court. *Kelsey v. S.C. Dep't of Prob., Parole & Pardon Servs.*, No. 2020-001473. She also prepared for and appeared at a parole hearing on behalf of a juvenile offender on December 6, 2021, and that client is set for release on December 15, 2021, which will require her involvement. Ms. Freedman simultaneously represents another juvenile, M.G., in his proceedings before the Family Court and on appeal. *In the Interest of M.G.*, No. 2021-001102. She is presently preparing a petition for writ of certiorari to this Court on behalf of M.G., and she has prepared and filed numerous motions on his behalf in

the Family Court over the last month and represented M.G. at a lengthy and contested detention hearing.

5. Undersigned counsel John Blume, who is also representing Mr. Blackwell on a *pro bono* basis, is a full-time professor at Cornell Law School in Ithaca, New York, in addition to a heavy consulting load. Over the past month, Professor Blume has been especially busy preparing for the end of the semester, including writing exams and reviewing final seminar papers. Instruction for Cornell Law School finished on December 3, 2021, and the deadline for grading final exams falls at the end of December.

6. Undersigned counsel Jon Ozmint is also handling this appeal on a *pro bono* basis. In the past month, Mr. Ozmint's client entered a guilty plea in a Medicare fraud case, prompting the licensing board to lift a stay of disciplinary proceedings. Mr. Ozmint has spent significant time over the past three weeks handling that matter. Mr. Ozmint also traveled for meetings with clients multiple times and prepared for and presented a keynote address at a national meeting of the Correctional Leaders Association annual training session. Additionally, Mr. Ozmint was ill for several days at the end of November.

7. For the above reasons, which counsel believe constitute good cause under this Court's order dated March 18, 2009, undersigned counsel requests that this Court extend the deadline for filing the Appellant's Initial Brief and Designation of Matter an additional ten days, to December 20, 2021.

Respectfully submitted,



Hannah Lyon Freedman

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Appellant’s Motion for Second Extension of Time was served by email and first class United States mail, postage prepaid, this 7th day of December, 2021, upon the following:

Matthew Buchanan
Department of Probation, Parole and Pardon Services
P.O. Box 50666
Columbia, SC 29250

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From: Hannah Freedman hannah@justice360sc.org
Subject: Motion for second extension
Date: December 7, 2021 at 4:02 PM
To: Matthew Buchanan Matthew.Buchanan@ppp.sc.gov
Cc: John Blume jb94@cornell.edu, jon@ozmint.com

Dear Mr. Buchanan,

Please find attached to this email a copy of our motion for a second extension of time in Blackwell v. SCDPPPS, which I will file electronically in a moment. A hard copy was also placed in the mail to you today. Thank you.

Hannah Freedman



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