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Dec 17 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Newberry County
Honorable Donald B. Hocker, Circuit Court Judge
Appellate Case No. 2020-001600

THE STATE,

Respondent,

vs.

RICKY BERNARD BROWN,

Appellant.

**MOTION FOR FIFTH 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 December 17, 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 **fifth** and **final** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. On today’s date, the undersigned counsel has submitted a Brief of Respondent to the Court of Appeals in Charles

Green, Jr. v. State. Along with that and other responsibilities in the office, the undersigned counsel has also in the past few weeks submitted a Brief of Petitioner to the Court of Appeals in John Upson v. State; has submitted a Brief of Respondent to the Court of Appeals in George N. Moses v. State; and has submitted a Return to Petition for Writ of Certiorari to the Supreme Court in State v. Shelby Harper Taylor.

III.

The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The Brief in the above-referenced case has required significant research because the case involves an important issue regarding the trial judge's charging decisions concerning insanity and guilty but mentally ill. 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 one final extension of time within which to serve and file the Brief. No further extension requests will be forthcoming in this matter.

IV.

Before filing this extension request, the State has consulted with counsel for Appellant about the matter, and counsel for Appellant has graciously indicated he does not oppose the State's request for an additional extension.

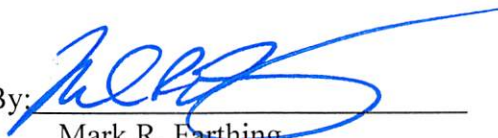
WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty days from the date such relief is granted; hold the matter in abeyance pending a ruling on

Respondent's motion; and grant such other and further relief as the Court may deem just and proper.

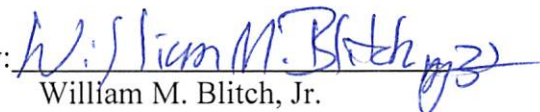
Respectfully submitted,

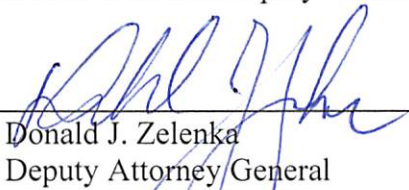
ALAN WILSON
Attorney General

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

December 17, 2021

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Appellant.

PROOF OF SERVICE

I, Leigh Ann Stone, certify I have served the within Motion for Fifth 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, SC 29211

I further certify all parties required by Rule to be served have been served.
This 17th day of December, 2021.


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

Leigh Ann Stone

From: Leigh Ann Stone
Sent: Friday, December 17, 2021 12:13 PM
To: 'aruffin@sccid.sc.gov'
Cc: Mark Farthing; William Blich; 'Leverett, Scott'
Subject: The State v. Ricky Bernard Brown (2020-001600)
Attachments: Brown.Fifth Extension Request (IBOR) (02849792xD2C78).PDF

Good Afternoon Mr. Ruffin,

Attached please find a Motion for Fifth Extension of Time Within Which to Serve and File Initial Brief of Respondent in The State v. Ricky Bernard Brown (2020-001600). This motion will be submitted to the South Carolina Court of Appeals today via the AIS One Drive System.

If you will, please reply to confirm receipt of this email.

Thank you!

LEIGH ANN STONE, Legal Assistant
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