NO. 158PA23   FIFTEENTH DISTRICT

SUPREME COURT OF NORTH CAROLINA

****

MAURICE DEVALLE)	
)	
v.)	**From Columbus**
)	
NORTH CAROLINA SHERIFFS')	
EDUCATION AND TRAINING)	
STANDARDS COMMISSION)	

****

MOTION FOR EXTENSION OF TIME WITHIN
WHICH TO FILE RESPONDENT-APPELLANT'S BRIEF

****

TO: THE HONORABLE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT OF NORTH CAROLINA

The North Carolina Sheriffs' Education and Training Standards Commission ("Commission" or "Respondent-Appellant"), through Joshua H. Stein, Attorney General, and J. Joy Strickland, Assistant Attorney General, respectfully requests, pursuant to Rule 27(c) of the North Carolina Rules of Appellate Procedure, that this Court grant additional time within which the Respondent-Appellant is required to file its brief in this case. In support of this motion, the undersigned states as follows:

1.   On 6 October 2020, the Commission issued its Final Agency Decision ordering Petitioner-Appellee's justice officer certification be denied indefinitely pursuant to his lack of good moral character and, additionally, denying his justice officer certification for five (5) years for the commission of the criminal offense of "Willfully Failing to Discharge Duties."

2.   On 8 December 2020, Petitioner-Appellee filed a Petition for Judicial Review in Columbus County Superior Court. A hearing was held on 29 October 2021, before the Honorable James G. Bell who issued an order granting the Petition.

3.   Respondent-Appellant filed a Notice of Appeal on 21 December 2021. The Record of Appeal was filed in the North Carolina Court of Appels on 24 March 2022. After the filing of the briefs, oral arguments were heard on 2 November 2022. The Court of Appeals' Opinion was filed on 16 May 2023.

4.   On 20 June 2023, Respondent-Appellant filed a Petition for Discretionary Review with this Court.

5.   On 21 May 2024, this Court granted the Petition for Discretionary Review.

6.   Respondent-Appellant's Brief is currently due on 21 June 2024.

7.   Respondent-Appellant has not requested any prior extensions of time to file its brief in this appeal.

8. Since the date of the Order granting the Petition for Discretionary Review, undersigned counsel was on a prescheduled vacation from 22-24 May 2024, appeared as counsel of record at Administrative hearings in High Point, North Carolina on 29 May 2024 and in Morganton, North Carolina on 3 June 2024, has been preparing for numerous other administrative hearings that were previously scheduled, and prepared and filed proposals for decision in other administrative cases which had already been heard at the Office of Administrative Hearings. Lastly, the undersigned will be staffing the Commission's regularly scheduled quarterly meeting on 20-21 June 2024, which requires travel to Concord, North Carolina.

9. The undersigned counsel contacted opposing counsel, J. Michael McGuiness, who graciously has no objection to this extension request.

WHEREFORE, the undersigned respectfully requests that the Court grant the Respondent-Appellant an extension of thirty (30) days, up to and including 22 July 2024, to file and serve its Brief on Petitioner-Appellee.

Electronically submitted this the 19th day of June, 2024.

JOSHUA H. STEIN
ATTORNEY GENERAL

Electronically Submitted
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing Motion for Extension of Time Within Which to File Respondent-Appellant's Brief upon Petitioner-Appellee via e-mail to his below-listed attorney pursuant to N.C. R. App. P. 26(c), which allows service of a document by e-mail if it has been electronically filed with a North Carolina appellate court:

Mr. J. Michael McGuinness
jmichael@mcguinnesslaw.com

This the 19th day of June, 2024.

Electronically Submitted
J. Joy Strickland
Assistant Attorney General