

NO. 158PA23

FIFTEENTH DISTRICT

SUPREME COURT OF NORTH CAROLINA

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MAURICE DEVALLE

v.

NORTH CAROLINA SHERIFFS'  
EDUCATION AND TRAINING  
STANDARDS COMMISSION

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From Columbus

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

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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 Appeals 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 was due on 21 June 2024.

7. Respondent-Appellant requested an extension of time to file its brief in this appeal.

8. This Court granted that extension and Respondent-Appellant's brief is currently due 22 July 2024.

9. Since the date of the Order granting the extension, undersigned counsel 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. The undersigned staffed Commission's regularly scheduled quarterly meeting on 20-21 June 2024, which required travel to Concord, North Carolina. Lastly, undersigned counsel has made notices of appearances in four additional administrative cases due to the exit of the DOJ attorney of record. All four case are set for hearing in August 2024.

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

WHEREFORE, the undersigned respectfully requests that the Court grant the Respondent-Appellant an extension of fifteen (15) days, up to and including 6 August 2024, to file and serve its Brief on Petitioner-Appellee.

Electronically submitted this the 19<sup>th</sup> day of July, 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](mailto:jmichael@mcguinnesslaw.com)

This the 19<sup>th</sup> day of July, 2024.

Electronically Submitted  
J. Joy Strickland  
Assistant Attorney General