

NO. 158PA23

FIFTEENTH DISTRICT

BEFORE THE NORTH CAROLINA SUPREME COURT

MAURICE DEVALLE)	
)	
Petitioner/Appellee)	
v.)	<u>From Columbus County</u>
)	No. 20CVS1273
N.C. SHERIFF'S EDUCATION)	COA 158PA23
AND TRAINING STANDARDS)	
COMMISSION)	
)	
Respondent/Appellant)	

**APPELLEE DEVALLE'S ENLARGEMENT MOTION FOR
ADDITIONAL TIME TO FILE HIS RESPONSE BRIEF**

TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA

Now comes Petitioner Appellee Maurice Devalle and respectfully moves this Court to issue an order allowing Devalle an additional forty-five days in which to file his response brief.

This is a law enforcement occupational licensing case based on Respondent's good moral character rule. This Court has granted the Respondent Sheriffs' Commission's Petition for Discretionary Review to review the Court of Appeals' decision that affirmed the Superior Court's reversal of disciplinary action imposed on Devalle.

As grounds for this motion, Appellee Devalle shows the Court as follows:

The Appellant Commission filed its brief on August 6, 2024. This Court allowed an initial enlargement. Therefore, Appellee Devalle's brief is due on October 15, 2024. Appellee Devalle respectfully seeks a forty-five-day enlargement of time in order to file his brief due to the following extenuating circumstances.

The undersigned counsel for Devalle has recently encountered very extenuating family and medical circumstances.

Devalle's counsel was recently diagnosed with Rocky Mountain Spotted Tick Fever and has been recovering but is still experiencing continued symptoms including the expected symptom of significant fatigue. Counsel has been in a cardiac rehabilitation program since a heart attack earlier this year, but counsel's recent conditions have caused him to be unable to continue to participate in the cardiac rehab program until he is better. Counsel has been able to work some, usually part of most days. However, counsel has not been able to resume anywhere near a full day of work. This week, Counsel has now also been diagnosed with Covid 19 and is about to begin treatment for that condition, as counsel is high risk due to his other medical conditions.

Counsel's brother, James Patrick McGuinness, served as a state bar certified paralegal and a licensed investigator with the McGuinness Law Firm since 1992. In recent years, he had served part time but often had vitally important work assignments. He became ill in the spring, had surgeries and ultimately passed away in July 2024. Counsel has had to assume his work responsibilities and handle personal matters from his passing.

The issues in this case necessitate substantial additional research and analysis before the brief can be prepared. Devalle's counsel has had other recent pressing litigation responsibilities.

Additional time is urgently needed to properly complete the required tasks needed for counsel to be able to prepare the response brief in accordance with the high standards of this Court.

Devalle's counsel has been advised that the Appellant Commission does not object to this motion.

Wherefore, Appellee prays that this Court allow until November 30, 2024, in which to file his response brief.

/s/ J. Michael McGuinness
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Certificate of Service

I have had served a copy of the foregoing upon Joy Strickland, Assistant Attorney General, 9001 Mail Service Center, Raleigh, N.C. 27699-9001 via email to jstrickland@ncdoj.gov this 30th day of September 2024.

/s/ J. Michael McGuinness

J. Michael McGuinness