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Jun 29 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Dorchester County  
The Honorable Diane S. Goodstein, Circuit Court Judge

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STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

MUANAH A. FORTUNE, JR.,

APPELLANT.

Appellate Case No. 2021-000569

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**MOTION FOR THIRD EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

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The undersigned counsel would respectfully request a second thirty (30) day extension in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. Counsel for Appellant has graciously consented to this extension request. In support of this motion, counsel would respectfully show the Court the following good cause:

Respondent's Initial Brief of Respondent and Designation of Matter is due to be filed on Friday, July 1, 2022. The undersigned attorney has had a number of state, and federal matters to attend to since May 27, 2022. Specifically:

1. On May 27, 2022 counsel filed Respondent's Response to Motion to Amend the Petition for Writ of Habeas Corpus [ECF #20] in the matter of Larry D. Brown vs. Warden of Perry Correctional Institution, C/A No. 5:22-352-HMH-KDW;

2. Counsel prepared a Supplemental Memorandum in Support of Respondent's Response in Opposition to Rule 60(b) motion in the federal habeas, capital matter of Steven Vernon Bixby vs. Bryan P. Stirling, Commissioner, South Carolina Department of Corrections; Lydell Chestnut, Deputy Warden of Broad River Correctional Institution Secure Facility, No. 21-5, currently pending in the United States Court of Appeals for the Fourth Circuit which was filed on May 31, 2022;

3. On June 2, 2022 counsel filed the Reply to Objection to Report and Recommendation [ECF #31] in the matter of Vernon Goodwin vs. Kenneth Nelson, Warden of Broad River Correctional Institution, C/A No. 4:21-02051-TMC;

4. Counsel also filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Larry D. Brown vs. Warden of Perry Correctional Institution, C/A No. 5:22-352-HMH-KDW on June 6, 2022;

5. Counsel filed the Respondent's Reply to Objections to Report and Recommendation [ECF #47] in the matter of Ricky Bowman vs. Tonya James, Warden of Kershaw Correctional Institution, C/A No. 8:21-00995-HMH on June 9, 2022;

6. Counsel filed a Reply to Return to Petition for Writ of Certiorari in the matter of The State vs. Montrelle L. Campbell, Appellate Case No. 2022-000349, a Charleston County direct appeal matter on June 16, 2022 now pending in the South Carolina Supreme Court;

7. On June 23, 2022 counsel attended the hearing to appoint counsel in the matter of Norman Starnes, #5053 vs. State of South Carolina, 2011-CP-32-00830, a Lexington County capital matter, before the Honorable Donald B. Hocker at the Laurens County Courthouse, South Carolina;

8. Counsel filed the Respondent's Reply to Petitioner's Objections to the Report and Recommendation in the matter of Eric Wright vs. Donnie Stonebreaker, Jr., C/A No. 8:21-00995-TLW on June 24, 2022;

9. Counsel has been diligently reading and preparing the Initial Brief of Respondent in this matter. Due to a personal issue, counsel for Respondent is out of the office and will return the week of July 4, 2022; and

10. Counsel has been involved in working **on other matters in state and federal court.**

WHEREFORE, for good cause shown, counsel respectfully requests a third thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter. This request is made in good faith, and not for the purposes of delay. This extension will make Respondent's Initial Brief due Monday, August 1, 2022.

Respectfully Submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General  
S.C. Bar No. 14244

W. JOSEPH MAYE  
Assistant Attorney General  
S.C. Bar No. 100851

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(803) 734-6305

By: s/W. Joseph Maye

W. JOSEPH MAYE  
ATTORNEYS FOR RESPONDENT

June 29, 2022.

I support the finding of good cause.



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MELODY J. BROWN,  
Senior Assistant Deputy Attorney General

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**PROOF OF SERVICE**

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I, **Donna D'Alessio**, an employee of the Respondent and legal assistant to W. Joseph Maye, of counsel for the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Third Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Elizabeth Franklin-Best, Esq., via email today, June 29, 2022 to [elizabeth@franklinbestlaw.com](mailto:elizabeth@franklinbestlaw.com).

I further certify that all parties required by Rule to be served have been served.

This 29<sup>th</sup> day of June, 2022.

*s/ Donna D'Alessio*  
Donna D'Alessio, Legal Assistant to  
W. Joseph Maye,  
Assistant Attorney General  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211-1549  
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## Donna D'Alessio

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**From:** Donna D'Alessio  
**Sent:** Wednesday, June 29, 2022 2:46 PM  
**To:** 'elizabeth@franklinbestlaw.com'  
**Subject:** Fortune, Muanah A., Jr. Appellate Case No. 2021-000569 - Motion for third ext of time to file Initial Brief of Respondent  
**Attachments:** Fortune, Muanah A., Jr. - Appellate Case No. 2021-000569 - Third Extension of Time to file IBOR 6-29-22 (03027125xD2C78).pdf

Dear Ms. Franklin-Best:

Attached is a scanned copy of the Respondent's Third Motion for Extension of time to file the Initial Brief of Respondent regarding the above matter. The Third Motion for Extension of Time is being submitted to the South Carolina Court of Appeals through e-filing, along with a copy of this email.

Thank you again.

Donna D'Alessio, Legal Assistant  
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