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Jul 11 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chesterfield County
The Honorable Paul M. Burch, Circuit Court Judge

STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

JAMES MONROE BROWN,

APPELLANT.

Appellate Case No. 2021-000469

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

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 extension requests through July 31, 2022. 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 Wednesday, July 13, 2022. The undersigned attorney has had a number of state, and federal matters to attend to since June 10, 2022. Specifically:

1. Counsel prepared an Amended Return to Petition for Writ of Certiorari to adhere to the Court's Order dated June 2, 2022 in the matter of Stephen C. Stanko vs. State of South

Carolina, Appellate Case No. 2017-000211, a capital Post-Conviction Relief Appeal matter from Georgetown County pending in the South Carolina Supreme Court on **June 17, 2022**;

2. Counsel filed the Respondent's Response to Motion for Default Judgment [ECF #22] in the matter of Ron Santa McCray vs. Warden of Lieber Correctional Institution, C/A No. 1:22-1204-TLW-SVH, also on **June 17, 2022**;

3. 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;

4. Counsel filed the Respondent's Response to Motion to Vacate Order Granting Extension of Time and Respondent's Response to Motion Challenging the District Court's Jurisdiction to Issue a Report and Recommendation [ECF #36] in the matter of Ron Santa McCray vs. Warden of Lieber Correctional Institution, C/A No. 1:22-1204-TLW-SVH on **July 7, 2022**;

5. Counsel has almost completed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Manuel A. Marin, #343371 vs. Warden of Lieber Correctional Institution, C/A No. 2:22-00351-DCC-MGB. Same is due to be filed on Friday, **July 15, 2022**;

6. Counsel has completed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of John Garvin, #355509 vs. Warden LeVern Cohen, C/A No. 2:22-994-DCN-MGB. Same is being filed today, Monday, **July 11, 2022**;

7. Counsel for Respondent has a pre-planned, out of state vacation, and will return to the office on Monday, July 18, 2022; and

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

WHEREFORE, for good cause shown, counsel respectfully requests a second 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 Friday, August 12, 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

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By: s/J. Anthony Mabry
J. ANTHONY MABRY
ATTORNEYS FOR RESPONDENT

July 11, 2022.

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JAMES MONROE BROWN,

APPELLANT.

Appellate Case No. 2021-000469

PROOF OF SERVICE

I, **Donna D'Alessio**, an employee of the Respondent and legal assistant to J. Anthony Mabry, of counsel for the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Second Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Robert M. Dudek, Esq., via email today, July 11, 2022 to RDudek@sccid.sc.gov, and to his assistant at lmattews@sccid.sc.gov.

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

This 11th day of July, 2022.

s/ Donna D'Alessio
Donna D'Alessio, Legal Assistant to
J. Anthony Mabry
Senior Assistant Attorney General
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-6305

Donna D'Alessio

From: Donna D'Alessio
Sent: Monday, July 11, 2022 12:38 PM
To: 'rdudek@sccid.sc.gov'
Cc: 'lmatthews@sccid.sc.gov'
Subject: Brown, James Monroe - Appellate Case No. 2021-000469 - Second extension of time to file Initial Brief of Respondent
Attachments: Brown, James Monroe - Appellate Case No. 2021-000469 - motion for Second ext of time to file IBOR 7-11-22 (03040475xD2C78).pdf
Follow Up Flag: Worldox

Dear Mr. Dudek:

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

Hope you are well.

Donna D'Alessio, Legal Assistant
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