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Jul 13 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
The Honorable Walton J. McLeod, Circuit Court Judge

STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

SHANTREZ ALEJANDRO ROBERTSON,

APPELLANT.

Appellate Case No. 2021-001405

**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 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 Monday, July 18, 2022. The undersigned attorney has had a number of state, and federal matters to attend to since June 13, 2022. Specifically:

1. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Andra Jamison vs. Warden Peoples, C/A No. 9:22-00300-JMC-MHC on June 13, 2022;

2. On June 15, 2022 counsel filed the Joint Status Report in the matter of K.C. Langford vs. Donnie Stonebreaker, Jr., Warden, Evans Correctional Institution, C/A No. 9:20-01298-DCC-MHC;

3. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of James L. Burnett vs. Warden of Tyger River Correctional Institution, C/A No. 1:22-57-HMH-SVH on June 15, 2022;

4. Counsel filed the Respondent's Reply to Petitioner's Response to Motion for Summary Judgment in the matter of Tre'Vaughn Jackson vs. Bryan Stirling, et al., C/A No. 5:22-00402-MGL-KDW on June 16, 2022;

5. Counsel filed the Respondent's Reply to Response to Motion for Summary Judgment [ECF #24] in the matter of Joseph Skinner vs. Kenneth Nelson, C/A No. 6:21-04033-HMH-KFM on June 24, 2022;

6. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Jennifer L. McSharry vs. Bryan Stirling and Patricia Jones-Yeldell, C/A No. 1:22-00770-HMH-SVH on June 30, 2022;

7. Counsel filed the Respondent's Response to Petitioner's Opposition to Respondent's Motion for Summary Judgment [ECF #12] in the matter of Jamison Daudi Holmes vs. Warden Lee Correctional Institution, C/A No. 6:22-01073-DCC-KFM on July 5, 2022;

8. On July 6, 2022 counsel filed the Initial Brief of Respondent in the matter of The State vs. Michael T. Means, Appellate Case No. 2021-000752, an Edgefield County direct appeal matter now pending in the South Carolina Court of Appeals;

9. Counsel filed the Respondent's Response to Petitioner's Motion for Default Judgment [ECF #35] in the matter of James L. Burnett vs. Warden of Tyger River Correctional Institution, C/A No. 1:22-57-HMH-SVH on July 8, 2022;

10. On July 12, 2022 counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Georgia Woodberry vs. Graham Correctional, C/A No. 1:22-01608-JD-SVH;

11. Counsel has also been working on the Spartanburg County, capital matter of Ricky Lee Blackwell, #6033 vs. State of South Carolina, C/A No. 2018-CP-42-00928;

12. Counsel is currently preparing the Brief of Respondent in the matter of The State vs. Jon Paul Smart, Appellate Case No. 2021-000987, a Clarendon County direct appeal matter now pending before the South Carolina Supreme Court. Same is due to be filed on Monday, July 18, 2022; and

13. 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 Wednesday, August 17, 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/Tommy Evans, Jr.
TOMMY EVANS, JR.
ATTORNEYS FOR RESPONDENT

July 13, 2022.

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APPELLANT.

Appellate Case No. 2021-001405

PROOF OF SERVICE

I, **Donna D'Alessio**, an employee of the Respondent and legal assistant to Tommy Evans, Jr., 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, Elizabeth Franklin-Best, Esq., via email today, July 13, 2022 to elizabeth@franklinbestlaw.com.

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

This 13th day of July, 2022.

s/ Donna D'Alessio

Donna D'Alessio, Legal Assistant to
Tommy Evans, Jr.,

Assistant Attorney General

Office of the Attorney General

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Donna D'Alessio

From: Donna D'Alessio
Sent: Wednesday, July 13, 2022 11:18 AM
To: 'elizabeth@franklinbestlaw.com'
Subject: Robertson, Shantrez A., Appellate Case No. 2021-001405 - 2nd Extension of time to file Initial Brief of Respondent
Attachments: Robertson, Shantrez A. - Appellate Case No. 2021-001405 - Second extension of time to file IBOR 7-13-22 for 7-18-22 (03042855xD2C78).pdf
Follow Up Flag: Worldox

Dear Ms. Franklin-Best:

Attached is a scanned copy of the Respondent's Motion for a Second Extension of Time to file Initial Brief of Respondent and Designation of Matter in the above referenced matter. The Second 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.

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