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Jul 20 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Oconee County
The Honorable Perry H. Gravely, Circuit Court Judge

STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

DECOTA CASTLE BROWN,

APPELLANT.

Appellate Case No. 2021-000744

**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 today, July 20, 2022. The undersigned attorney has had a number of state, and federal matters to attend to since June 20, 2022. Specifically:

1. Counsel prepared proposed Orders for the Court in the following post-conviction relief matters: Cedric A. Colden vs. State of South Carolina, Case No. 2016-CP-02-1269, Aiken

County; Ricky L. Williams vs. State of South Carolina, Case No. 2020-CP-06-00128, Barnwell County; and Barrington Grant vs. State of South Carolina, Case No. 2020-CP-03-283, Allendale County;

2. 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;

3. 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;

4. On July 5, 2022 counsel filed the Respondent's Response to Rule 60(b) motion [ECF #28] in the matter of Taquan L. Brown vs. Warden, Evans Correctional Institution, C/A No. 0:22-159-MGL-PJG;

5. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment and Motion for Summary Judgment in the matter of Tykeem Kalani May vs. Warden of Goodman Correctional Institution, C/A No. 5:22-417-MBS-KDW on July 6, 2022;

6. Counsel is currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Dontelle D. Cannon vs. Warden Kenneth Nelson, C/A No. 1:22-1066-JFA-SVH. Same is currently due to be filed on Wednesday, July 27, 2022;

7. Counsel is also currently preparing the Initial Brief of Respondent in the matter of The State vs. Muanah A. Fortune, Jr., Appellate Case No. 2021-000569, a Dorchester County

direct appeal matter now pending in the South Carolina Court of Appeals. Same is due to be filed on Monday, August 1, 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 19, 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

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-6305

By: s/W. Joseph Maye
W. JOSEPH MAYE
ATTORNEYS FOR RESPONDENT

July 20, 2022.

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PROOF OF SERVICE

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 Second Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Susan Hackett, Esq., via email today, July 30, 2022 to shackett@sccid.sc.gov and to her assistant cstock@sccid.sc.gov.

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

This 20th day of July, 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
(803) 734-6305

Donna D'Alessio

From: Donna D'Alessio
Sent: Wednesday, July 20, 2022 2:05 PM
To: 'shackett@sccid.sc.gov'; Stock, Chris (cstock@sccid.sc.gov)
Subject: Brown, Decota Castle - Appellate Case No. 2021-000744 - 2nd motion for extension of time to file Initial Brief of Respondent
Attachments: 2nd motion to file IBOR 7-20-22 - Decota C. Brown (03051314xD2C78).pdf
Follow Up Flag: Worldox

Dear Ms. Hackett:

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

Thank you and hope you are well.

Donna D'Alessio, Legal Assistant
Capital Litigation
Office of the Attorney General
State of South Carolina
Post Office Box 11549
Columbia, South Carolina 29211-1549
DDAlessio@scaag.gov
(803) 734-6305
(803) 734-4035 – Fax
(803) 734-1494 – Direct Line