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Aug 22 2022
SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Beaufort County
The Honorable Robert J. Bonds, Circuit Court Judge

THE STATE,

Respondent,

v.

JOSEPH DECORIYUS BURTON,

Appellant.

Appellate Case No. 2021-000619

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

The undersigned counsel would respectfully request a brief four (4) day extension in which to file the Initial Brief of Respondent in the above-referenced case. Opposing counsel has graciously consented to the request. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of Matter is due today, Monday, August 22, 2022, as per this Court's Order dated July 22, 2022, granting Respondent's third extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since June 23, 2022. Specifically:

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1. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of James Abdula Wilson, #339674 v. Warden, Lee Correctional Institution, C/A No. 4:21-cv-782-RBH-TER, on July 22, 2022;
2. Counsel attended a four-day Association of Government Attorneys in Capital Litigation conference in New Orleans from July 27 to 30, 2022;
3. Counsel was out sick from August 2 to 5, 2022;
4. Counsel filed the Reply to Response in Opposition to Motion for Summary Judgment in the matter of Robert W. Woods v. Warden of Broad River Correctional Institution, C/A No. 1:22-00184-DCN-SVH, on August 9, 2022;
5. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Rashawn Tremayne Carson v. Warden of Broad River Correctional Institution, C/A No. 5:22-510-DCN-KDW, on August 11, 2022;
6. Counsel communicated with the federal magistrate and opposing counsel and filed an additional attachment to the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Daniel Lopez v. Warden of Tyger River Correctional Institution, C/A No. 9:22-00250-MGL-MHC, on August 16, 2022;
7. Counsel prepared and filed the Final Brief of Respondent in in the Supreme Court of South Carolina for The State v. Whyzdom Antonio Lee Douse, Appellate Case No. 2021-000607, on August 17, 2022;
8. Also on August 17, 2022, counsel had a consultation with opposing counsel in the capital Federal Habeas matter of William Dickerson v. Bryan P. Stirling and Lydell Chestnut, C/A No. 9:22-108-SAL-MHC;

9. Counsel filed Respondent's Response in Opposition to ECF No's 40, 41, 42, 43, 44 & 45, and Response to ECF No. 46 in the matter of Robert Wilson Woods v. Warden of Broad River Correctional Institution, C/A No. 1:22-184-DCN-SVH on August 18, 2022;
10. Counsel also drafted a Motion for a Ruling on Ex Parte Treatment in the capital Federal Habeas matter of William Dickerson v. Bryan P. Stirling and Lydell Chestnut, C/A No. 9:22-108-SAL-MHC, on August 18, 2022;
11. On August 19, 2022, counsel travelled to Beaufort and Hilton Head, South Carolina to review the case file and to visit the crime scene in this matter.

Due to counsel's involvement in these and other matters, counsel is unable to timely complete the Initial Brief of Respondent.

WHEREFORE, counsel respectfully requests a brief four (4) 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.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
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By: Juliana E. Battenfield
Juliana E. Battenfield
ATTORNEYS FOR RESPONDENT

August 22, 2022.

I support the finding of good cause.

By: Melody J. Brown
MELODY J. BROWN,
Senior Assistant Deputy Attorney General

I support the finding of good cause.

By: Donald J. Zeleuka
DONALD J. ZELENKA
Deputy Attorney General

I, too, support the finding of good cause.

By: W. Jeffrey Young
W. JEFFREY YOUNG
Chief Deputy Attorney General

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PROOF OF SERVICE

I, Donna D'Alessio, employee of the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the fourth extension of time to file Initial Brief of Respondent and Proof of Service have been forwarded to Appellant's counsel, Sarah E. Shipe, via email today, August 22, 2022 to sshipe@sccid.sc.gov, and to her legal assistant, sleverett@sccid.sc.gov.

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

This 22nd day of August, 2022.



Donna D'Alessio,
Legal Assistant to Julianna E. Battenfield,
Assistant Attorney General