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Sep 29 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Pickens County
The Honorable G.D. Morgan, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

v.

JONATHAN R. RACKLEY,

APPELLANT.

Appellate Case No. 2021-001141

**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 October 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 Monday, October 3, 2022. The undersigned attorney has had a number of state, and federal matters to attend to since August 30, 2022. Specifically:

1. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Christian Coleman v. Warden, Tonya James, C/A No. 5:22-1578-TMC-KDW on September 7, 2022;
2. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #35] in the matter of Brent McLaurin, Jr. vs. Warden McCormick Correctional Institution, C/A No. 6:21-03936-JFA-KFM on September 8, 2022;
3. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #47] in the matter of Taquan L. Brown vs. Warden, Evans Correctional Institution, C/A No. 0:22-159-TMC-PJG on September 8, 2022;
4. Counsel also filed the Respondent's Motion to Strike [ECF #47-1] in the matter of Taquan L. Brown vs. Warden, Evans Correctional Institution, C/A No. 0:22-159-TMC-PJG on September 8, 2022;
5. On September 9, 2022 counsel filed the Respondents/Appellees' Response in Opposition to the Motion to Stay the Mandate in the matter of Steven Vernon Bixby vs. Bryan P. Stirling, Commissioner, South Carolina Department of Corrections; Lydell Chestnut, Deputy Warden, Broad River Correctional Institution Secure Facility, No. 21-5 (4:17-cv-00954-BHH), a capital matter now pending in the United States Court of Appeals for the Fourth Circuit on September 9, 2022;
6. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Doni Terrele Anderson, #361471 vs. Warden Kenneth Nelson, C/A No. 2:22-01021-CMC-MGB on September 14, 2022;
7. Counsel attended the Solicitor's conference held in Myrtle Beach, South Carolina from Monday, September 19, 2022 through Wednesday, September 21, 2022;

8. Counsel is also currently preparing a Petition for Reassignment of Original PCR Judge, and Request for an Order Expediting Review of Successive Application in the capital matter of William O. Dickerson, SCDC #6030 vs. State of South Carolina. This pleading stems from Mr. Dickerson's Application for Post-Conviction Relief, Case No. 2022-CP-10-4437;

9. Counsel is currently working on the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Fred R. Halcomb, Jr. vs. Warden Truitt, C/A No. 8:22-1877-JD-JDA; 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 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 on Wednesday, November 2, 2022.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
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By: *s/W. Joseph Maye* _____
W. JOSEPH MAYE
ATTORNEYS FOR RESPONDENT

September 29, 2022.

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Appellate Case No. 2021-001141

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, Robert M. Dudek, Esq., via email today, September 29, 2022 to RDudek@sccid.sc.gov and to his assistant lmattthews@sccid.sc.gov.

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

This 29th day of September, 2022.

s/ Donna D'Alessio

Donna D'Alessio, Legal Assistant to
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Assistant Attorney General
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Donna D'Alessio

From: Donna D'Alessio
Sent: Thursday, September 29, 2022 1:01 PM
To: 'rdudek@sccid.sc.gov'
Cc: 'lmatthews@sccid.sc.gov'
Subject: Rackley, Jonathan R. - Appellate Case No. 2021-001141 - Motion for Second Extension of Time to file Initial Brief of Respondent and Designation of Matter
Attachments: 2nd motion to file IBOR 9-29-22 - Jonathan R. Rackley (03114162xD2C78).docx

Dear Mr. Dudek:

Attached is a scanned copy of the Respondent's second extension of time to file Initial Brief of Respondent in the above matter. The second extension is being submitted to the South Carolina Court of Appeals through e-filing, along with a copy of this email.

Hope you are well.

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