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Oct 07 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Newberry County  
The Honorable Benjamin H. Culbertson, Circuit Court Judge

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THE STATE,

Respondent,

v.

XZAVIER SHARIF DAVIS,

Appellant.

Appellate Case No. 2021-000982

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

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The undersigned counsel would respectfully request a thirty (30) 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, Friday, October 7, 2022, as per this Court's Order dated September 7, 2022, granting Respondent's second extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since September 7, 2022. Specifically:

1. Counsel filed the Reply to Objection to Report and Recommendation to in the matter of Rashaun Jamine Sobers v. Charles Williams, Jr., Warden, C/A No. 5:21-cv-01337-BHH, on September 6, 2022, a matter pending in District Court of South Carolina;
2. Counsel filed the Response in Opposition to Motion for Leave to Amend in the matter of Andra Jamison v. Warden Peebles, C/A No. 9:22-00300-JMC-MHC, on September 14, 2022, a matter pending in District Court of South Carolina;
3. Counsel prepared and presented Oral Argument before the South Carolina Court of Appeals in the matter of The State v. Anthony Anderson Appellate Case No. 2019-001406 on September 14, 2022.
4. Counsel attended The Solicitor's Conference from September 18, 2002 through Wednesday, September 21, 2022;
5. Counsel was out sick September 27, 2022;
6. Counsel filed a Response to an Order to Show Cause in the matter of Georgia Woodberry v. Warden of Graham Correctional Institution, C/A No. 1:22-cv-16-8-JD-SVH on September 29, 2022, a matter pending in the District Court of South Carolina;
7. Counsel prepared and filed the Initial Brief of Respondent and Designation of Matter in the matter of The State v. Correy Tremayne Brown, Appellate Case No. 2021-001231, a murder appeal matter pending in this Court.
8. Counsel is working on the Return and Memorandum of Law in Support of Summary Judgment in the matter of Leroy Glover v. Warden Jackson, C/A No. 0-22-cv-2134-DCC-PJG, a matter pending in this Court and due today, October 7, 2022;
9. Counsel is currently preparing for State v. Ricky Lee Blackwell, 2018-CP-42-000928, death penalty post-conviction relief hearing scheduled to begin on October 31, 2022.

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

Opposing counsel has informed me that they have no objections to this extension.

WHEREFORE, counsel respectfully requests a 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.

Respectfully Submitted,

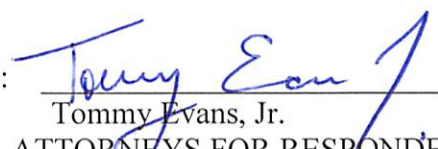
ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

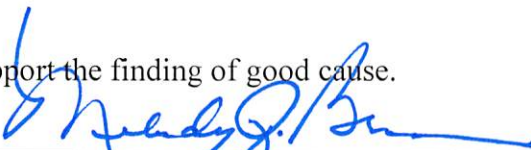
MELODY J. BROWN  
Senior Assistant Deputy Attorney General  
S.C. Bar No. 14244

TOMMY EVANS, JR.  
Assistant Attorney General  
Fed. ID No. 7448

Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

By:   
Tommy Evans, Jr.  
ATTORNEYS FOR RESPONDENT

October 7, 2022.

I support the finding of good cause.  
By:   
MELODY J. BROWN,  
Senior Assistant Deputy Attorney General

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**PROOF OF SERVICE**

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I, Brandy Rankin, as an employee of the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the third extension of time to file Initial Brief of Respondent, Designation of Matter, and Proof of Service have been forwarded to Appellant's counsel, C. Rauch Wise via email today, October 7, 2022 to [rauchwise@gmail.com](mailto:rauchwise@gmail.com).

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

This 7th day of October 2022.

  
\_\_\_\_\_  
Brandy Rankin  
Legal Assistant to Tommy Evans, Jr.,  
Assistant Attorney General

## Brandy Rankin

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**From:** Brandy Rankin  
**Sent:** Friday, October 7, 2022 11:51 AM  
**To:** 'Rauch Wise'  
**Cc:** Tommy Evans, Jr.  
**Subject:** Xzavier Sharif Davis - Appellant Case No. 2021-000982 - Third Extension Request to file Initial Brief and Designation of Matter  
**Attachments:** Third Extension Request to file Initial Brief and Designation of Matter, 10-7-22, Xzavier Davis (03120912xD2C78).pdf  
**Follow Up Flag:** Worldox

Dear Mr. Wise,

Please find attached the Respondent's Third Extension Request in which to file the Initial Brief and Designation of Matter and Proof of Service. Thank you for your consent to this request. This document will be filed today, October 7, 2022 with the South Carolina Court of Appeals along with a copy of this email. We hope this finds you well and wish for you a great weekend.

Sincerely,

Brandy Rankin  
Legal Assistant to:  
Tommy Evans, Jr.

**Brandy Rankin, Legal Assistant**  
Office of the South Carolina Attorney General  
Capital Litigation | Office 803-734-6305 |  
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