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Nov 01 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 THIRD EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a third 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 November 30, 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 tomorrow, Wednesday, November 2, 2022. The undersigned attorney has had a number of state, and federal matters to attend to since September 30, 2022. Specifically:

1. On October 10, 2022 counsel filed the Brief of Petitioner in the matter of The State vs. Montrelle Lamont Campbell, Appellate Case No. 2022-000349, a Charleston County direct appeal matter now pending in the South Carolina Supreme Court;

2. Counsel helped prepare a Petition for Writ of Prohibition and Denial of Assignment of PCR Judge for Capital Proceedings 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;

3. Counsel filed 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 on October 12, 2022;

4. Counsel is currently preparing the Brief of Respondent in the matter of The State vs. Richard Passio, Jr., Appellate Case No. 2021-001007, which is now pending in the South Carolina Supreme Court and is due to be filed on Thursday, November 10, 2022;

5. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #27] in the matter of Doni Terrele Anderson, #361471 vs. Warden Kenneth Nelson, C/A No. 2:22-01032-CMC-MGB on October 31, 2022; and

6. 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 Friday, December 2, 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

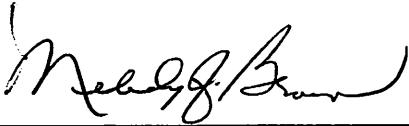
W. JOSEPH MAYE
Assistant Attorney General
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By: s/W. Joseph Maye
W. JOSEPH MAYE
ATTORNEYS FOR RESPONDENT

November 1, 2022.

I support the finding of good cause.



MELODY J. BROWN
Senior Assistant Deputy Attorney General

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JONATHAN R. RACKLEY,

APPELLANT.

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 Third 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, November 1, 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 1st day of November, 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: Tuesday, November 1, 2022 5:01 PM
To: 'rdudek@sccid.sc.gov'
Cc: 'lmatthews@sccid.sc.gov'
Subject: Rackley, Jonathan R. - Appellate Case No. 2021-001141 - Third extension of time to file IBOR
Attachments: Rackley, Jonathan R. v - Appellate Case No. 2021-001141 - Motion for Third extension of time to file IBOR 11-1-22 (03144230xD2C78).pdf

Dear Mr. Dudek:

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

Hope you are well and thank you.

Donna D'Alessio, Legal Assistant
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