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Nov 07 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

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

THE STATE,

Respondent,

v.

XZAVIER SHARIF DAVIS,

Appellant.

Appellate Case No. 2021-000982

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

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, Monday, November 7, 2022, as per this Court's Order dated October 11, 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 October 11, 2022. Specifically:

1. Counsel prepared and filed the *Brief of Petitioner* on October 13, 2022 in the matter of The State v. Robert Xavier Geter, Appellate Case No. 2021-001408, a Certiorari matter pending in the South Carolina Supreme Court;
2. Counsel prepared and filed the *Defendant's Motion to Continue* in the State v. Ricky Lee Blackwell, on October 14, 2022, Case No. 2018-CP-42-000928, a death penalty post-conviction relief matter pending in the South Carolina Court of Appeals;
3. Counsel prepared and filed the *Answers to Interrogatories and Respondent's Return to Request for Production of Documents* State v. Ricky Lee Blackwell, 2018-CP-42-000928 on October 17, 2022, a death penalty post-conviction relief matter pending in the South Carolina Court of Appeals;
4. Counsel prepared for and attended in Greenwood, South Carolina a hearing regarding a *Motion for Continuance* on October 20, 2022 in the matter of The State v. Ricky Lee Blackwell, 2018-CP-42-000928, death penalty post-conviction relief case pending in the South Carolina Court of Appeals;
5. Counsel filed the *Reply to Response to Motion for Summary Judgment* in the matter of Cameran L. Kelley v. Warden, Broad River Correctional Institution, C/A No. 9:21-cv-03966-DCC-MHC on October 20, 2022, a matter pending in the District Court of South Carolina;
6. Counsel prepared and filed the *Brief of Respondent* in the matter of The State v. Carmie Josette Nelson, Appellate Case No. 2021-001356 on October 25, 2022, a Certiorari matter pending in the Supreme Court of South Carolina.

7. Counsel prepared and filed the *Brief of Respondent* in the matter of The State v. Byron Labron Rivers, Appellate Case No. 2022-000054 on October 31, 2022, a Certiorari matter pending in the Supreme Court of South Carolina;
8. Counsel is working on the *Brief of Respondent* due November 7, 2022 in the matter of The State v. Robert Xavier Geter, Appellate Case No. 2021-001408 a murder appeal case pending in the South Carolina Supreme Court.
9. Counsel is working on The *Brief of Respondent* in The State v. Tommy Benton, Appellate Case No. 2021-001498, a certiorari case pending in the South Carolina Supreme Court due on November 7, 2022;

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

Opposing counsel has graciously 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

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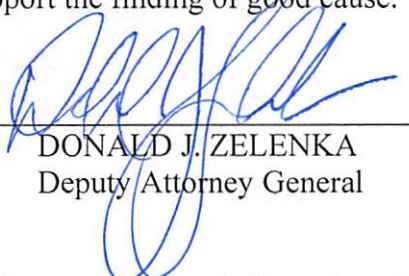
By: s/Tommy Evans, Jr.
Tommy Evans, Jr.

ATTORNEYS FOR RESPONDENT

November 7, 2022.
Columbia, South Carolina

I support the finding of good cause.

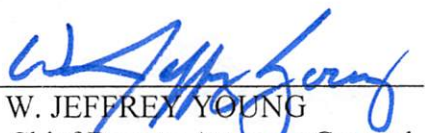
By:



DONALD J. ZELENKA
Deputy Attorney General

I further support the finding of good cause.

By:



W. JEFFREY YOUNG
Chief Deputy Attorney General

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Appellate Case No. 2021-000982

PROOF OF SERVICE

I, Tommy Evans, Jr., as counsel for 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, Designation of Matter, and Proof of Service have been forwarded to Appellant's counsel, C. Rauch Wise via email today, November 7, 2022 to rauchwise@gmail.com.

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

This 7th day of November 2022.

s/Tommy Evans, Jr.
Tommy Evans, Jr.
Assistant Attorney General

Brandy Rankin

From: Brandy Rankin
Sent: Monday, November 7, 2022 12:18 PM
To: rauchwise@gmail.com
Cc: Tommy Evans, Jr.
Subject: Fourth Motion for Extension - Xzavier Sharif Davis - Appellate Case No. 2021-000982
Attachments: Fourth Extension to file Initial Brief and Designation of Matter - 11-7-22 - Xzavier Sharif Davis (03148390xD2C78).pdf

Follow Up Flag: Worldox

Dear Mr. Wise,

Please find attached the Respondent's fourth Motion for Extension to file the Initial Brief and Designation of Matter. Thank you very much for your consent in seeking this fourth extension. This Motion will be filed today, November 7, 2022 with the South Carolina Court of Appeals along with a copy of this email.

Have a Happy Monday!

Sincerely,

Brandy Rankin

Legal Assistant to Tommy Evans, Jr.
Office of the South Carolina Attorney General
P. O. Box 11549
Columbia, South Carolina 29211

