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**Nov 08 2022**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Florence County  
The Honorable D. Craig Brown, Circuit Court Judge

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THE STATE,

RESPONDENT,

v.

MICHAEL CHRISTIAN BARCLAY,

APPELLANT.

Appellate Case No. 2021-000976

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

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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 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 9, 2022. The undersigned attorney has had a number of state, and federal matters to attend to since October 7, 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 9, 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 8, 2022.

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**PROOF OF SERVICE**

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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, Susan Hackett, Esq., via email today, November 8, 2022 to [shackett@sccid.sc.gov](mailto:shackett@sccid.sc.gov) and to her assistant [cstock@sccid.sc.gov](mailto:cstock@sccid.sc.gov).

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

This 8<sup>th</sup> day of November, 2022.

*s/ Donna D'Alessio*

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Donna D'Alessio, Legal Assistant to  
W. Joseph Maye,  
Assistant Attorney General  
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## **Donna D'Alessio**

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**From:** Donna D'Alessio  
**Sent:** Tuesday, November 8, 2022 1:13 PM  
**To:** 'shackett@sccid.sc.gov'  
**Cc:** Stock, Chris (cstock@sccid.sc.gov)  
**Subject:** Barclay, Michael C. - Appellate Case No. 2021-000976 - Second extension of time to file Initial Brief of Respondent and Designation of Matter  
**Attachments:** SECOND motion to file IBOR 11-8-22 for 11-9-22 Jonathan R. Rackley (03149924xD2C78).pdf

Dear Ms. Hackett:

Attached is a scanned copy of the Respondent's Second Motion for Extension of Time to file Initial Brief of Respondent and Designation of matter regarding the above case. The second 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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