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Dec 08 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Aiken County  
The Honorable Courtney Clyburn-Pope, Circuit Court Judge

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THE STATE,

RESPONDENT,

v.

DAE' KWON JAHEEM SIMMONS,

APPELLANT.

Appellate Case No. 2021-000802

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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 December 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 Monday, December 12, 2022. The undersigned attorney has had a number of state, and federal matters to attend to since November 8, 2022. Specifically:

1. Counsel prepared and filed the Brief of Respondent in the matter of The State vs. Richard Passio, Jr., Appellate Case No. 2021-001007 a Jasper County direct appeal matter now pending in the South Carolina Supreme Court on November 10, 2022;

2. Counsel was a presenter at the office CLE, also on November 10, 2022;

3. Counsel also prepared the Reply Brief in the Charleston County direct appeal matter of The State vs. Montrelle Lamont Campbell, Appellate Case No. 2022-000349 on November 21, 2022;

4. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Susan Diane Hendricks vs. Warden of Graham (Camile Griffin) Correctional Institution, C/A No. 2:22-cv-2391-TMC-MGB yesterday, December 7, 2022;

5. Counsel is preparing the Return to Petition for Writ of Certiorari in the matter of Clinton Folkes vs. Warden Nelson, Case No. 22-5545, a Richland County Federal Habeas matter now pending in the United States Supreme Court, and is due to be filed on Monday, December 12, 2022;

6. Counsel is also currently preparing the Initial Brief of Respondent in the matter of The State vs. Jonathan R. Rackley, Appellate Case No. 2021-001141, a Pickens County direct appeal matter now pending before the South Carolina Court of Appeals; and

7. 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 January 11, 2023.

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  
S.C. Bar No. 100851

Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211-1549  
(803) 734-6305

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

December 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, Robert M. Dudek, Esq., via email today, December 8, 2022 to [RDudek@sccid.sc.gov](mailto:RDudek@sccid.sc.gov) and to his assistant [kwarren@sccid.sc.gov](mailto:kwarren@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 December, 2022.

*s/ Donna D'Alessio*

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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

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**From:** Donna D'Alessio  
**Sent:** Thursday, December 8, 2022 12:26 PM  
**To:** RDudek@sccid.sc.gov  
**Cc:** kwarren@sccid.sc.gov  
**Subject:** Simmons, Dae'Kwon J. - Appellate Case No. 2021-000802 - Second Motion for Extension of Time to File Initial Brief of Respondent and DOM  
**Attachments:** SECOND motion to file IBOR 12-8-22 for 12-12-22 Dae'Kwon J. Simmons (03171806xD2C78).docx

Dear Mr. Dudek:

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. Same is being submitted to the South Carolina Court of Appeals through e-filing, along with a copy of this email.

Hope you are well.

Donna D'Alessio,  
Legal Assistant  
Office of the Attorney General  
State of South Carolina  
Post Office Box 11549  
Columbia, South Carolina 29211-1549  
(803) 734-6305