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Dec 08 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

THE STATE,

RESPONDENT,

v.

MICHAEL CHRISTIAN BARCLAY,

APPELLANT.

Appellate Case No. 2021-000976

**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 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 tomorrow, Friday, December 9, 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 third 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 9, 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

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

December 8, 2022.

I support the finding of good cause.

for Deborah R. J. Shep
MELODY J. BROWN,
Senior Assistant Deputy Attorney General

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MICHAEL CHRISTIAN BARCLAY,

APPELLANT.

Appellate Case No. 2021-000976

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, Susan Hackett, Esq., via email today, December 8, 2022 to shackett@sccid.sc.gov and to her assistant cstock@sccid.sc.gov.

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

This 8th day of December, 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: Thursday, December 8, 2022 1:17 PM
To: Hackett, Susan
Cc: Stock, Chris
Subject: Barclay, Michael C. - Appellate Case No. 2021-000976 - Third Motion for Extension of Time to file Initial Brief of Respondent and DOM
Attachments: Barclay, Michael C. - Appellate Case No. 2021-000976 - Motion for Third Extension of Time to file Initial Brief of Respondent 12-8-22 (03172042xD2C78).pdf

Dear Ms. Hackett:

Attached is a scanned copy of the Respondent's Third Motion for Extension of Time to File Initial Brief regarding the above matter. The third extension request 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
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