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Dec 19 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
The Honorable Thomas W. Cooper, Jr., Circuit Court Judge

STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

TASHONBY P. WILSON,

APPELLANT.

Appellate Case No. 2019-000749

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

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. The Initial Brief is currently due to be filed on Wednesday, December 21, 2022. Counsel for Appellant has graciously consented to this extension request. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

Respondent's Initial Brief of Respondent and Designation of Matter is due to be filed on Wednesday, December 21, 2022. The undersigned attorney has had a number of state, and federal matters to attend to since November 18, 2022. Specifically:

1. Counsel assisted in the preparation of the Petition for Certiorari to the Fourth Circuit Court of Appeals in Quincy Allen v. Warden, a capital federal habeas matter, now pending in the United States Supreme Court. The Petition for Certiorari was filed on **November 21, 2022** in the United States Supreme Court;

2. The Attorney General's Office was closed for Veteran's Day, November 11, 2022, and was closed on November 24th and 25th, 2022 for the Thanksgiving Holiday reducing the number of days Respondent could work on this initial brief;

3. On **December 6, 2022** counsel filed the Status Report as per TEXT Order [ECF #42] in the matter of Mike Tyrel Salley vs. Warden Wallace, Kirkland Correctional Institution, C/A No. 2:21-03457-RMG-MGB;

4. Counsel filed the Respondent's Amended Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Arthur L. Singleton, #300109 vs. Warden of Lee Correctional Institution, C/A No. 9:18-3300-SAL-MHC, also on **December 6, 2022** as per TEXT Order [ECF #81];

5. Counsel filed the Reply to Response in Opposition to Motion for Summary Judgment [ECF #26] in the matter of Leviticus D. Young vs. Warden T. James, C/A No. 8:22-02290-SAL-JDA on **December 7, 2022**;

6. Counsel filed an Objection to Report and Recommendation in the matter of Mike Tyrel Salley vs. Warden Wallace, Kirkland Correctional Institution, C/A No. 2:21-03457-RMG-MGB on **December 13, 2022**;

7. Counsel is currently preparing the Initial Brief of Respondent in the matter of The State vs. James Lee Ginther, Appellate Case No. 2019-000672, a Sumter County direct appeal matter which is currently due to be filed on January 3, 2023;

8. Counsel is also currently preparing the Return to Petition for Writ of Certiorari in the matter of The State vs. Nicholas B. Chhith-Berry, Appellate Case No. 2019-000352, a Lexington County direct appeal matter now pending in the South Carolina Supreme Court, and same is currently due to be filed on January 9, 2023; and

9. Counsel has been involved in working **on other matters in state and federal court;**

WHEREFORE, for extraordinary circumstances 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 January 20, 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

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By: s/J. Anthony Mabry
J. ANTHONY MABRY
ATTORNEYS FOR RESPONDENT

December 19, 2022.

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TASHONBY P. WILSON,

APPELLANT.

Appellate Case No. 2019-000749

PROOF OF SERVICE

I, **Donna D'Alessio**, an employee of the Respondent and legal assistant to J. Anthony Mabry, 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, James K. Falk, Esq., via email today, December 19, 2022 to jfalklaw@gmail.com.

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

This 19th day of December, 2022.

s/ Donna D'Alessio
Donna D'Alessio, Legal Assistant to
J. Anthony Mabry
Senior Assistant Attorney General
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Post Office Box 11549
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Donna D'Alessio

From: Donna D'Alessio
Sent: Monday, December 19, 2022 3:24 PM
To: jfalklaw@gmail.com
Subject: Wilson, Tashonby P., Appellate Case No. 2019-000749 - 2nd extension of time to file Initial Brief of Respondent and Designation of Matter
Attachments: Wilson, Tashonby P., Appellate Case No. 2019-000749 - 2nd extension of time to file IBOR 12-19-22 (03180131xD2C78).pdf

Dear Mr. Falk:

Attached is a scanned copy of the Respondent's Motion for a Second Extension of Time to File Initial Brief of Respondent and Designation of Matter regarding the above matter. The Second extension motion is being submitted to the South Carolina Court of Appeals through e-filing, along with a copy of this email.

Thank you and have a great holiday.

Donna D'Alessio,
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