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Jan 06 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
The Honorable Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

Respondent,

v.

LINDA LYN MONETTE,

Appellant.

Appellate Case No. 2021-001276

**MOTION FOR THIRD 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 and Designation of Matter in the above-referenced case. Opposing counsel has graciously consented to all extension requests through January 31, 2023. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of Matter is due today, Friday, January 6, 2023 as per this Court's Order dated December 7, 2022 granting Respondent's second extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since December 7, 2022. Specifically,

1. Counsel filed the *Return and Memorandum of Law in Support of Summary Judgment* in the matter of Gafaskie D. Richardson v. Donald Beckwith, Warden Wateree River Correctional Institution, C/A No. 2:22-cv-2481-MGL-MGB, a federal habeas matter now pending before in the United States District Court for the District of South Carolina on December 14, 2022;

2. Counsel prepared and filed the *Six Month Status Report* in the matter of K. C. Langford v. Donnie Stonebreaker, Jr., Warden Evans Correctional Institution C/A No. 9:20-cv-01298-DCC-MHC, a federal habeas matter now pending before in the United States District Court on December 15, 2022;

3. Counsel filed the *Return and Memorandum of Law in Support of Summary Judgment* in the matter of Ronnie Martin, #200596 v. Kenneth Nelson, C/A No. 4:22-cv-3264-BHH-TER, a federal habeas matter now pending in the United States District Court for the District of South Carolina on December 22, 2022;

4. Counsel filed the *Initial Brief of Respondent and Designation of Matter* in the matter of The State v. Paulette J. Sims, Appellate Case No. 2021-001202, a murder appeal pending in the South Carolina Court of Appeals on January 3, 2023;

5. Counsel filed the *Return to Petition for Writ of Certiorari* in the matter of The State v. Amy N. Taylor, Appellate Case No. 2019-001117, a murder appeal pending in the South Carolina Supreme Court on January 5, 2023.

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

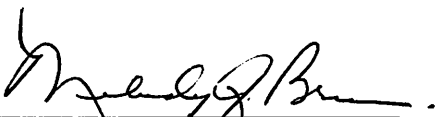
TOMMY EVANS, JR.
Assistant Attorney General
No. 65282

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: s/Tommy Evans, Jr.
TOMMY EVANS, JR.
ATTORNEYS FOR RESPONDENT

January 6, 2023.

I support the finding of good cause

By: 
MELODY J. BROWN
Senior Assistant Deputy Attorney General

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Appellant.

Appellate Case No. 2021-001276

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 Third Extension of time to file the Initial Brief of Respondent, Designation of Matter, and Proof of Service have been forwarded to Appellant's counsel, Susan B. Hackett, Esquire via email today, January 6, 2023 to shackett@sccid.sc.gov.

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

This 6th day of January 2023.

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

Brandy Rankin

From: Brandy Rankin
Sent: Friday, January 6, 2023 9:09 AM
To: Hackett, Susan
Cc: Stock, Chris; Tommy Evans, Jr.
Subject: Linda Lyn Monette, Third Motion for Extension to file Initial Brief and Designation of Matter - Appellate Case No. 2021-001276
Attachments: Cover Letter to Third Motion for Extension, 1-6-23, Monette (03188774xD2C78).pdf; Third Motion for Extension POS, 1-6-23, Monette (03188772xD2C78).pdf

Dear Ms. Hackett,

Happy New Year! Please find attached the Respondent's Third Motion for Extension to file the Initial Brief and Designation of Matter. Also attached is the cover letter to the SC Court of Appeals. These documents will be filed with the South Carolina Court of Appeals today, January 6, 2023 along with a copy of this email. Thank you!

Sincerely,

Brandy Rankin

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





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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

January 6, 2023

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: *The State v Linda Lyn Monette*
Appeal from Lexington County
Appellate Case No. 2021-001276

Dear Ms. Kitchings:

Attached for filing please find the Third Extension Request to file the Initial Brief of Respondent, Designation of Matter, together with Proof of Service in the above-referenced case. Also enclosed is the Email Proof of Service. If you should have any questions, please feel free to contact me.

Sincerely,

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

TE/bbr
Enclosures

cc: Susan B. Hackett, Esquire (via email only)