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Jan 06 2023

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 FOURTH EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a fourth 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 January 31, 2023. In support of this motion, counsel would respectfully show the Court the following good cause:

Respondent's Initial Brief and Designation of Matter is due to be filed on Monday, January 9, 2023. The undersigned attorney has had a number of state, and federal matters to attend to since December 7, 2022. Specifically:

1. 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 on December 7, 2022;
2. Counsel filed 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 on Monday, December 12, 2022;
3. Counsel also filed the Respondent's Reply to Petitioner's Objections to Report and Recommendation [ECF #42] in the matter of Brent McLaurin, Jr. vs. Warden McCormick Correctional Institution, C/A No. 6:21-03936-JFA on December 14, 2022;
4. Counsel was out of the office on sick leave from Monday, December 19, 2022 through Wednesday, December 21, 2022;
5. The Office of the Attorney General was closed for the Holidays on Friday, December 23, 2022, Monday, December 26th and Tuesday, December 27, 2022;
6. Counsel filed the Respondent's Response in Opposition to Petitioner's Motion to Reconsider [ECF #30] in the matter of Darrell L. Goss, Sr., #305517 vs. Warden Shane D. Jackson, C/A No. 2:22-00103-BHH-MGB on December 28, 2022;
7. Counsel also filed on December 28, 2022 the Respondent's Response in Opposition to Petitioner's Motions to Amend His Petition [ECF #s 43 & 44] in the matter of Brent McLaurin, Jr. vs. Warden McCormick Correctional Institution, C/A No. 6:21-03936-JFA;
8. Counsel prepared and filed 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 on January 3, 2023; and

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

WHEREFORE, for good cause shown, counsel respectfully requests a fourth 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 February 8, 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

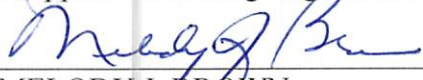
W. JOSEPH MAYE
Assistant Attorney General
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(803) 734-6305

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

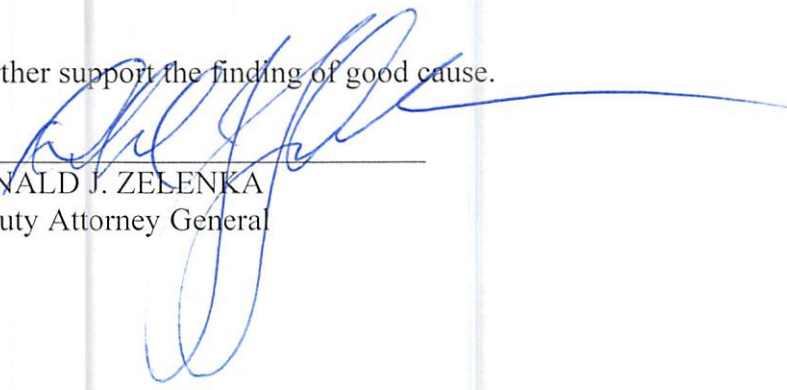
January 6, 2023.

I support the finding of good cause.



MELODY J. BROWN,
Senior Assistant Deputy Attorney General

I further support the finding of good cause.



DONALD J. ZELENKA
Deputy Attorney General

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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 Fourth 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, 2023 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 6th day of January, 2023.

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: Friday, January 6, 2023 1:37 PM
To: Hackett, Susan
Cc: Stock, Chris
Subject: Barclay, Michael C. - Appellate Case No. 2021-000976 - 4th extension of time to file IBOR and DOM
Attachments: Barclay, Michael C. - Appellate Case No. 2021-000976 4th extension of time to file IBOR 1-6-23 (03189538xD2C78).pdf

Dear Ms. Hackett:

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

Thank you.

Donna D'Alessio,
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