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Jan 20 2023

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 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. The Initial Brief is currently due to be filed today, January 20, 2023. Counsel for Appellant has graciously consented to this extension request. In support of this motion, counsel would respectfully show the Court the following good cause:

The undersigned attorney has had a number of state, and federal matters to attend to since December 20, 2022. Specifically:

1. Counsel filed the Reply to Response to Motion for Summary Judgment in the matter of April Hampton vs. Warden of Leath Correctional Institution, C/A No. 9:22-00967-JFA-MGB on **December 20, 2022**;

2. Counsel filed the Respondent's Response to Petitioner's Objections to the Report and Recommendation [ECF #46] in the matter of Manuel A. Marin, #343371 vs. Warden of Lieber Correctional Institution, C/A No. 2:22-00351-DCC-MGB on **December 30, 2022**;

3. Counsel prepared 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 filed on **January 3, 2023**;

4. Counsel also prepared 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, filed on **January 9, 2023**;

5. Counsel filed the Respondent's Reply to Response to Motion for Summary Judgment [ECF #92] in the matter of Arthur L. Singleton, #300109 v. Warden of Lee Correctional Institution, C/A No. 9:18-3300-SAL-MHC on **January 17, 2023**;

6. Counsel also assisted in the drafting of the Response in Opposition to Motion for Stay of Execution in the capital matter of Mikal D. Mahdi v. State of South Carolina, Case No. 2014-002131 filed on **January 19, 2023**

7. Counsel has prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Mildred Monica Montgomery vs. Warden of Leath Correctional, C/A No. 8:22-03004-TMC-JDA which is currently due to be filed on **February 1, 2023**;

8. Counsel is currently preparing the Reply to Response in Opposition to Motion for Summary Judgment [ECF #58] in the matter of John Garvin v. Warden LeVern Cohen, C/A No. 2:22-cv-994-DCN-MGB which is currently due to be filed on Monday, **January 23, 2023**.

WHEREFORE, for extraordinary circumstances 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 February 21, 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

January 20, 2023.

I support the finding of good cause.



MELODY J. BROWN,
Senior Assistant Deputy Attorney General

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PROOF OF SERVICE

I, **Angela Brown**, 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 Third 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, January 20, 2023 to jfalklaw@gmail.com.

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

This 20th day of January, 2023.

s/ Angela Brown

Angela Brown, Legal Assistant to
J. Anthony Mabry
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