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Jan 31 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.

DONOVAN TIRRELL BRANNON,

APPELLANT.

Appellate Case No. 2022-000015

**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 tomorrow, Wednesday, February 1, 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:

Respondent's Initial Brief of Respondent and Designation of Matter is due to be filed tomorrow, Wednesday, February 1, 2023. The undersigned attorney has had a number of state, and federal matters to attend to since December 30, 2022. Specifically:

1. 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**;

2. The Office of the Attorney General was closed for the Holidays on Friday, December 23, 2022, Monday, December 26th and Tuesday, December 27, 2022, as well as Monday, January 16, 2023 for Dr. Martin Luther King, Jr.'s birthday;

3. Counsel prepared and filed the Initial Brief of Respondent in the matter of The State vs. James Lee Ginther, Appellate Case No. 2019-000672 (murder), a Sumter County direct appeal matter on **January 3, 2023**;

4. Counsel also prepared and filed the Return to Petition for Writ of Certiorari in the matter of The State vs. Nicholas B. Chhith-Berry, Appellate Case No. 2019-000352 (murder), a Lexington County direct appeal matter now pending in the South Carolina Supreme Court 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 filed the Respondent's Response to Objections to Report and Recommendation in the matter of Mike T. Salley, #339340 vs. Warden Wallace, Kirkland Correctional Institution, C/A No. 2:21-03457-RMG-MGB on **January 19, 2023**;

7. Counsel also filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #58] in the matter of John Garvin, #355509 vs. Warden LeVern Cohen, C/A No. 2:22-994-DCN-MGB on **January 23, 2023**;

8. Counsel filed 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 on **January 27, 2023**;

9. Counsel filed the Respondents/Appellees' Response to Petitioner/Appellant's Emergency Motion to Extend Date for Filing Opening Brief and Joint Appendix in the United States Court of Appeals for the Fourth Circuit in the matter of Stephen C. Stanko vs. Bryan P. Stirling, Director, South Carolina Department of Corrections, and Lydell Chestnut, Deputy Warden of Broad River Correctional Secure Facility, No. 22-3 today, **January 31, 2023**;

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

11. Counsel will be out of the office tomorrow, February 1, 2023 for an appointment at Duke Medical Center for a follow-up due to heart and kidney transplants.

WHEREFORE, for good cause 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 March 3, 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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January 31, 2023.

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

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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, Robert M. Dudek, Esq., via email today, January 31, 2023 to RDudek@sccid.sc.gov, and to his assistant at kwarren@sccid.sc.gov.

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

This 31st day of January, 2023.

s/ Donna D'Alessio

Donna D'Alessio, Legal Assistant to
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