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Feb 02 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Cherokee County
The Honorable J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

DIANTE JERMAINE WILLIS,

APPELLANT.

Appellate Case No. 2021-001466

**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 February 28, 2023. 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, Thursday, February 2, 2023. The undersigned attorney has had a number of state, and federal matters to attend to since January 2, 2023. Specifically:

1. The Office of the Attorney General was closed for the Holiday on Monday, January 16, 2023 for Dr. Martin Luther King's birthday;

2. 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;

3. Counsel filed the Status Report to Court Order ECF #18 in the matter of Susan Diane Hendricks v. Warden of Graham (Camille Griffin) Correctional Institution, C/A No. 2:22-02391-TMC-MGB on January 11, 2023;

4. Counsel filed the Brief of Respondent in the matter of Abdiyyah Ben Alkebulanyahh aka Tyree Roberts vs. State of South Carolina, a Beaufort County Death Penalty Post-Conviction Relief matter now pending in the South Carolina Supreme Court on January 13, 2023;

5. Counsel filed the Respondent's Response in Opposition to Petitioner's Motion for Release on Bail (ECF #37) in the matter of Darrell L. Goss, Sr., #305517 vs. Warden Shane D. Jackson, C/A No. 2:22-00103-BHH-MGB on January 17, 2023;

6. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Shondre Williams vs. Warden of Tyger River, C/A No. 5:22-2702-MGL-KDW on January 18, 2023;

7. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #40], and Motion to Strike in the matter of Christian Coleman vs. Warden Tonya James, C/A No. 5:22-1578-TMC-KDW on January 24, 2023;

8. Counsel also filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #39], as well as a Motion to Strike in the matter of Fred R. Halcomb, Jr. vs. Warden Truitt, C/A No. 8:22-1877-JD-JDA on January 24, 2023;

9. Counsel is currently preparing the Brief of Respondent in the matter of The State vs. James Heyward, Appellate Case No. 2021-000122, a Richland County direct appeal matter now pending in the South Carolina Supreme Court. Same is currently due to be filed on Thursday, February 9, 2023 and no further extensions will be granted;

10. Counsel is currently preparing the Initial Brief of Respondent and Designation of Matter in the matter of The State vs. Michael Christian Barclay, Appellate Case No. 2021-000976. The Initial Brief of Respondent is currently due to be filed on Wednesday, February 8, 2023, and no further extensions will be entertained;

11. Counsel is also currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Michael Anthony Rogers vs. Warden George Dodkin, C/A No. 1:22-cv-3348-DCC-SVH. This Return is also currently due to be filed on Wednesday, February 8, 2023; and

12. 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 March 6, 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
S.C. Bar No. 100851

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

February 2, 2023

I support the finding of good cause.



MELODY J. BROWN,
Senior Assistant Deputy Attorney General

I further support the finding of good cause.

W. JEFFREY YOUNG
Chief Deputy Attorney General

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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, Robert M. Dudek, Esq., via email today, February 2, 2023 to RDudek@sccid.sc.gov and to his assistant kwarren@sccid.sc.gov.

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

This 2nd day of February, 2023.

s/ Donna D'Alessio

Donna D'Alessio, Legal Assistant to
W. Joseph Maye,
Assistant Attorney General
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