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Feb 03 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Horry County
Honorable H. Steven DeBerry, IV, Circuit Court Judge

THE STATE,

Respondent,

v.

SEBASTIAN D. KAISK,

Appellant.

Appellate Case No. 2022-000181

**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. Counsel for Appellant has consented to all extension request through February 28, 2023. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of Matter are due today, February 3, 2023 as per this Court's Order dated January 4, 2023 granting Respondent's second extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since January 4, 2023. Specifically,

1. Counsel prepared and filed the Final Brief of Respondent in the matter of The State v. Denzell Deshawn Jackson, Appellate Case No: 2021-000942, an Aiken County direct appeal matter pending before this court on January 3, 2023;

2. Counsel prepared and filed the status report in the matter of Anthony Woods v. Bryan Stirling and Kenneth Davis, Warden, C/A No. 5:18-cv-00144-DCN-KDW on January 3, 2023;

3. Counsel prepared and filed the Status Report in the matter of James D. Robertson v. Jon Ozmint, C/A No. 2:11-cv-00063-TMC-MGB on January 5, 2023;

4. Counsel prepared and filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Justin Jermaine Johnson v. Warden, Broad River Correctional Institution, C/A No. 0:22-cv-3210-CMC-PJG on January 12, 2023;

5. Counsel prepared and filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Therron Richardson v. Warden of Kirkland Correctional Institution, C/A No. 9:22-cv-4273-JFA-MHC on January 12, 2023;

6. Counsel prepared and filed a Return to Post-Conviction Relief Application in the matter of Jerome Jenkins v. State of South Carolina on January 17, 2023, a capital PCR Action pending in the Horry County Court of Common Pleas;

7. Counsel filed a Petition for Writ of Certiorari and Appendix in the matter of The State v. Devin Johnson, Appellate Case No. 2019-000938, a Charleston County direct appeal matter pending in the South Carolina Supreme Court on January 25, 2023; and

8. Counsel prepared and filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Ebon Roberts v. Bryan Stirling, Director of the

South Carolina Department of Corrections; and Kenneth Nelson, Warden of Broad River correctional Institution, C/A No. 1:22-cv-369-DCC-SVH on January 26, 2023.

Counsel is in the process of preparing the Return and the Record in the matter of Anthony Lounds v. Warden Charles Williams, C/A No. 2:22-cv-3272-TMC-MGB, which counsel anticipates filing February 6, 2023.

Additionally, counsel was out of the office on sick leave on January 23-24, 2023

Due to counsel's involvement in these and other matters, counsel is unable to timely complete the Initial Brief of Respondent.

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

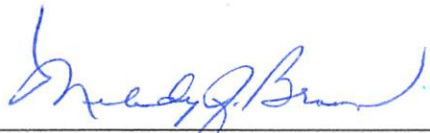
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(803) 734-6305

By: 
WILLIAM EDGAR SALTER, III
ATTORNEYS FOR RESPONDENT

February 3, 2023.

I support the finding of good cause.

By: 

MELODY J. BROWN,
Senior Assistant Deputy Attorney General

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PROOF OF SERVICE

I, Angela Brown, am an employee of the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion for Extension of Time to File the Initial Brief of Respondent and Designation of Matter, along with Certificate of Service has been forwarded to Appellant's counsel, Lara M. Caudy, Esquire, via email today, February 3, 2023 to lcaudy@sccid.sc.gov, and to her assistant Hannah Bryant at hbryant@sccid.sc.gov .

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

This 3rd day of February, 2023.

s/ Angela Brown
ANGELA BROWN
Legal Assistant to William Edgar Salter, III
Senior Assistant Attorney General