

**RECEIVED**

**Feb 08 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Florence County  
The Honorable D. Craig Brown, Circuit Court Judge

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THE STATE,

RESPONDENT,

v.

MICHAEL CHRISTIAN BARCLAY,

APPELLANT.

Appellate Case No. 2021-000976

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**MOTION FOR FIFTH, PARTIAL, AND FINAL EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

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The undersigned counsel would respectfully request a fifth, short, and final twelve (12) 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 and Designation of Matter is due to be filed today, Wednesday, February 8, 2023. Though the research and review of the record have been completed, and a substantial portion of the brief has been drafted, additional time is needed in order to complete the brief in a quality fashion. Additionally, Melody Brown will aid in completion of briefing to ensure the brief is completed and filed within the time requested. In addition to these reasons, the

undersigned attorney has had a number of state matters in addition to work on this brief, and also federal matters to attend to since January 8, 2023. Specifically:

1. 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;

2. Counsel filed a time-sensitive 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;

3. 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;

4. 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;

5. 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;

6. Counsel filed 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 on February 7, 2023; and

7. 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.

WHEREFORE, for good cause shown, counsel respectfully requests a fifth and final twelve (12) 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 20, 2023.

Signature block on following page

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

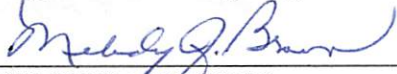
W. JOSEPH MAYE  
Assistant Attorney General  
S.C. Bar No. 100851

Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211-1549  
(803) 734-6305


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

January 8, 2023.

I support the finding of good cause.

  
\_\_\_\_\_  
MELODY J. BROWN,  
Senior Assistant Deputy Attorney General

I further support the finding of good cause.

  
\_\_\_\_\_  
WILLIAM JEFFREY YOUNG  
Chief Deputy Attorney General

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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MICHAEL CHRISTIAN BARCLAY,

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**PROOF OF SERVICE**

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I, **W. Joseph Maye**, as counsel for the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Fifth Extension to file the Initial Brief and Designation of Matter have been forwarded to Appellant's counsel, Susan Hackett, Esq., via email today, February 8, 2023 to [shackett@sccid.sc.gov](mailto:shackett@sccid.sc.gov), and to her assistant at [cstock@sccid.sc.gov](mailto:cstock@sccid.sc.gov).

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

This 8<sup>th</sup> day of February, 2023.

*s/ W. Joseph Maye*

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W. Joseph Maye,  
Assistant Attorney General  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211-1549  
(803) 734-6305

## Brandy Rankin

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**From:** Brandy Rankin  
**Sent:** Wednesday, February 8, 2023 11:28 AM  
**To:** Hackett, Susan  
**Cc:** Stock, Chris; Joe Maye  
**Subject:** Michael Christian Barclay - Appellate Case No. 2021-000976, Fifth Extension to file Initial Brief and Designation of Matter  
**Attachments:** Cover Letter to Fifth Extension to file IBOR DOM, 2-8-23, Barclay (03215004xD2C78).pdf; Fifth Extension to file Initial Brief and Designation for Matter (Adobe Version) (03214995xD2C78).pdf; Proof of Service 5th Motion for Extension, 2-8-23, Barclay (Adobe Version) (03214943xD2C78).pdf

Dear Ms. Hackett,

Please find attached the Respondent's Fifth and final partial extension, Proof of Service, Cover Letter to the Court. These documents will be filed today February 8, 2023 with the South Carolina Court of Appeals along with a copy of this email. We hope everyone is well.

Sincerely,

Brandy Rankin

Mrs. Brandy Rankin, Legal Assistant  
South Carolina Attorney General's Office | Capital Litigation |  
Office 803-734-7240 | Fax 803-734-4035 |  
P.O. Box 11549 | Columbia, SC 29211



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Feb 08 2023

SC Court of Appeals

ALAN WILSON  
ATTORNEY GENERAL

February 8, 2023

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: *The State v Michael Christian Barclay*  
Appellate Case No. 2021-000976

Dear Ms. Kitchings:

Please find attached the Respondent's Fifth Motion for Extension, Proof of Service, and Email Proof of Service in the above captioned case. Please file these documents with your Court. Thank you in advance for your assistance.

Sincerely,

s/W. Joseph Maye  
W. Joseph Maye  
Assistant Attorney General

WJM:bbr

cc: Susan Hackett, Esquire (via email only)