

RECEIVED

Feb 10 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Aiken County
The Honorable Courtney Clyburn-Pope, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

DAE' KWON JAHEEM SIMMONS,

APPELLANT.

Appellate Case No. 2021-000802

**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 extraordinary circumstances:

Respondent's Initial Brief of Respondent and Designation of Matter is due to be filed today, Friday, February 10, 2023. The undersigned attorney has had a number of state, and federal matters to attend to since January 11, 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;

7. Counsel filed 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 on February 9, 2023;

8. Counsel also prepared the Initial Brief of Respondent and Designation of Matter in the matter of The State vs. Michael C. Barclay, Appellate Case No. 2021-000976. Respondent's Initial Brief and Designation of Matter was due to be filed on 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; and

9. 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 13, 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

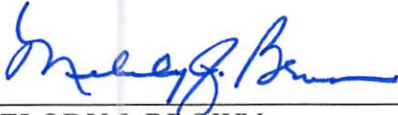
W. JOSEPH MAYE
Assistant Attorney General
S.C. Bar No. 100851

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

February 10, 2023.

I support the finding of extraordinary circumstances.



MELODY J. BROWN,
Senior Assistant Deputy Attorney General

I further support the finding of extraordinary circumstances.



W. JEFFREY YOUNG,
Chief Deputy Attorney General

RECEIVED

Feb 10 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Aiken County
The Honorable Courtney Clyburn-Pope, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

DAE' KWON JAHEEM SIMMONS,

APPELLANT.

Appellate Case No. 2021-000802

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 10, 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 10th day of February, 2023.

s/ Donna D'Alessio
Donna D'Alessio, Legal Assistant to
W. Joseph Maye,
Assistant Attorney General
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-6305