

RECEIVED

Feb 16 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
The Honorable Thomas W. Cooper, Jr., Circuit Court Judge

STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

TASHONBY P. WILSON,

APPELLANT.

Appellate Case No. 2019-000749

**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. The Initial Brief is currently due to be filed on Tuesday, February 21, 2023. Counsel for Appellant has graciously consented to this extension request. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

The undersigned attorney has had a number of state, and federal matters to attend to since January 17, 2023. Specifically:

1. 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;

2. 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**;

3. 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**;

4. 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**;

5. 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 on **January 31, 2023**;

6. Counsel was out of the office on February 1, 2023 for an appointment at Duke Medical Center for a follow-up due to heart and kidney transplants; and the Office of the Attorney General will be closed on Monday, February 20, 2023 for the holiday;

7. Counsel also filed the Respondent's Response to Motion for a Declaratory Judgment and Motion to Hold in Abeyance All Motions Until the Court Rules of Respondent's Motion for Summary Judgment [ECF #63] in the matter of John Garvin, #355509 vs. Warden LeVern Cohen, C/A No. 2:22-994-DCN-MGB on **February 2, 2023**;

8. Counsel prepared the Return to Petition for Writ of Certiorari in the matter of Dexter B. Brown, II vs. State of South Carolina, Appellate Case No. 2022-000920, a Barnwell

County post-conviction relief appeal now pending in the South Carolina Supreme Court, and same is due to be filed on Tuesday, February 21, 2023;

9. Counsel is also preparing the Initial Brief of Respondent and Designation of Matter in this matter. Counsel is scheduled to go to Lexington County to review the Exhibits in this matter; and

WHEREFORE, for extraordinary circumstances shown, counsel respectfully requests a third 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 23, 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

J. ANTHONY MABRY
Senior Assistant Attorney General
S.C. Bar No. 11973

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

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

February 16, 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 16 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
The Honorable Thomas W. Cooper, Jr., Circuit Court Judge

STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

TASHONBY P. WILSON,

APPELLANT.

Appellate Case No. 2019-000749

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 Fourth Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, James K. Falk, Esq., via email today, February 16, 2023 to jfalklaw@gmail.com.

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

This 16th day of February, 2023.

s/ Donna D'Alessio

Donna D'Alessio, Legal Assistant to
J. Anthony Mabry
Senior Assistant Attorney General
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-6305