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Mar 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 FIFTH EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a fifth 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 March 31, 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 on Monday, March 6, 2023. The undersigned attorney has had a number of state, and federal matters to attend to since January 31, 2023. Specifically:

1. 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;

2. Counsel prepared and 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;

3. Counsel prepared and filed the Initial Brief of Respondent and Designation of Matter in the matter of The State vs. Michael Christian Barclay, Appellate Case No. 2021-000976, a Florence County direct appeal matter now pending in the South Carolina Court of Appeals on February 21, 2023;

4. Counsel filed the Final 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 in the South Carolina Court of Appeals on February 22, 2023;

5. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Darrell L. Goss vs. Warden Brian Kendall, C/A No. 2:22-cv-103-BHH-MGB on March 1, 2023;

6. Counsel is currently preparing the Reply Brief of Respondents-Appellees, Bryan P. Stirling, Commissioner, South Carolina Department of Corrections; Lydell Chestnut, Deputy Warden, Broad River Correctional Institution Secure Facility, Case No. 22-4, now pending in the United States Court of Appeals for the Fourth Circuit. Same is to be filed tomorrow, Friday, March 3, 2024; and

7. Counsel has been involved in working **on other matters in state and federal court.**

WHEREFORE, for good cause shown, counsel respectfully requests a fifth 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 April 5, 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


March 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 Fifth 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, March 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 March, 2023.

s/ Donna D'Alessio

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