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Mar 21 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Sumter County  
The Honorable R. Ferrell Cothran, Circuit Court Judge

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THE STATE,

RESPONDENT,

v.

DAUNTE MAURICE JOHNSON,

APPELLANT.

Appellate Case No. 2022-000931

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**MOTION FOR SECOND EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

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The undersigned counsel would respectfully request a second 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 tomorrow, Wednesday, March 22, 2023. 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 extraordinary circumstances:

Respondent's Initial Brief of Respondent and Designation of Matter is due to be filed tomorrow, Wednesday, March 22, 2023. The undersigned attorney has had a number of state, and federal matters to attend to since February 17, 2023. Specifically:

1. Counsel assisted in the taking of a deposition in Charleston, South Carolina on **February 17, 2023** in the matter of Ricky Lee Blackwell vs. State of South Carolina, 2018-CP-42-928, a Spartanburg County capital matter;

2. Counsel filed 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 on **February 21, 2023**;

3. Counsel filed the Respondent's Response to Text Order ECF #65 – Supplemental Briefing in the matter of John Garvin, #355509 vs. Warden LeVern Cohen, C/A No. 2:22-994-DCN-MGB on **March 1, 2023**;

4. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Rodney Galimore vs. Warden J. Nace, C/A No. 5:22-cv-3541-SAL-KDW on **March 3, 2023**;

5. Counsel also filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Carlos Dennison v. Warden of MacDougall Correctional Institution, C/A No. 9:22-cv-02680-RMG-MHC on **March 9, 2023**;

6. Counsel filed the Respondent's Response to Petitioner's Motion for Leave to Amend and File Third Amended Petition for Writ of Habeas Corpus [ECF #70] in the matter of John Garvin, #355509 vs. Warden LeVern Cohen, C/A No. 2:22-994-DCN-MGB on **March 16, 2023**;

7. Counsel filed the Status report as per Text Order ECF #42 in the matter of Milciades Alcantara vs. Warden of McCormick Correctional Institution, C/A No. 9:21-01498-RBH-MHC on **March 20, 2023**;

8. Counsel is also assisting in trial preparation in the matter of Ricky Lee Blackwell vs. State of South Carolina, 2018-CP-42-928, a Spartanburg County capital matter. The trial

date in this matter is currently scheduled for **March 27, 2023** before the Honorable Daniel D. Hall;

9. Counsel is also preparing the Initial Brief of Respondent and Designation of Matter in the matter of State of South Carolina vs. Tashonby P. Wilson, Appellate Case No. 2019-000749, a Lexington County direct appeal matter, which is currently due to be filed on **March 23, 2023**; and

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

WHEREFORE, for good cause 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 April 21, 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

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Senior Assistant Attorney General  
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By: s/J. Anthony Mabry

March 21, 2023.

J. ANTHONY MABRY  
ATTORNEYS FOR RESPONDENT

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**PROOF OF SERVICE**

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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 Second Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Breen R. Stevens, Esq., via email today, March 21, 2023 to [bstevens@sccid.sc.gov](mailto:bstevens@sccid.sc.gov) and to his assistant, Chris Stock 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 21<sup>st</sup> day of March, 2023.

s/ Donna D'Alessio  
Donna D'Alessio, Legal Assistant to  
J. Anthony Mabry  
Senior Assistant Attorney General  
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