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Mar 24 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
The Honorable Eugene C. Griffith, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

v.

CHRISTOPHER JAMEL BRISBON,

APPELLANT.

Appellate Case No. 2022-000478

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

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. 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 Monday, March 27, 2023. The undersigned attorney has had a number of state, and federal matters to attend to since February 21, 2023. Specifically:

1. 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;

2. 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;

3. Counsel prepared and filed 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;

4. Counsel prepared for and appeared before the South Carolina Supreme Court on behalf of the State for oral argument in the matter of The State vs. Richard Passio, Jr., Appellate Case No. 2021-001007, a Jasper County direct appeal matter on Wednesday, March 8, 2023;

5. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #21] in the matter of Michael Anthony Rogers vs. Warden George Dodkin, C/A No. 1:22-3348-DCC-SVH on March 20, 2023;

6. Counsel also filed the Respondent's Response to Motion [ECF #52] in the matter of Darrell L. Goss, Sr., #305517 vs. Warden Shane D. Jackson, C/A No. 2:22-00103-BHH-MGB on March 21, 2023;

7. Counsel is currently preparing the Informal Brief of Respondent in the case of Steven V. Bixby vs. Bryan Stirling, et al., Case No. 22-4, now pending in the United States Court of Appeals for the Fourth Circuit. Same is due to be filed on April 3, 2023;

8. Counsel also prepared the Initial Brief of Respondent in the matter of The State vs. Dae'Kwon J. Simmons, Appellate Case No. 2021-000802, an Aiken County direct appeal

matter pending in the South Carolina Court of Appeals, and same will be filed on Tuesday, March 28, 2023; 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 Second 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 26, 2023.

Respectfully Submitted,

ALAN WILSON
Attorney General

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

March 24, 2023.

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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 Second Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Wanda H. Carter, Esq., via email today, March 24, 2023 to WCarter@sccid.sc.gov and to her assistant Scott Leverett at sleverett@sccid.sc.gov.

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

This 24th day of March, 2023.

s/ Donna D'Alessio

Donna D'Alessio, Legal Assistant to
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