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Mar 29 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
The Honorable Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

DONOVAN TIRRELL BRANNON,

APPELLANT.

Appellate Case No. 2022-000015

**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 Friday, March 31, 2023. Counsel for Appellant has 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 Friday, March 31, 2023. The undersigned attorney has had a number of state, and federal matters to attend to since February 27, 2023. Specifically:

1. Counsel is currently before the Honorable Daniel D. Hall for a hearing in the matter of Ricky Lee Blackwell vs. State of South Carolina, 2018-CP-42-928, a Spartanburg County capital matter. The trial commenced on Monday, March 27, 2023 and is expected to continue through Friday, March 31, 2023;

2. 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**;

3. 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**;

4. 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**;

5. 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**;

6. 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**;

7. Counsel also filed the Respondent's Response to Motion to Vacate [ECF #94] in the matter of Ron Santa McCray vs. Warden of Lieber Correctional Institution, C/A No. 1:22-1204-TLW on **March 22, 2023**;

8. Counsel filed 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, on **March 23, 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 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 May 1, 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
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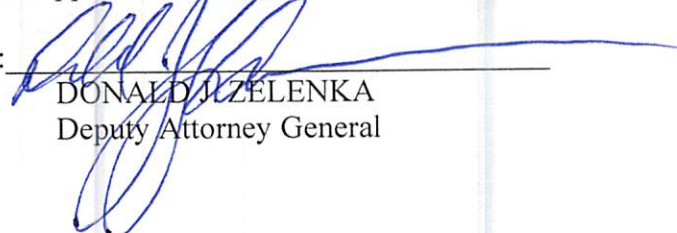
By: s/J. Anthony Mabry
J. ANTHONY MABRY
ATTORNEYS FOR RESPONDENT

March 29, 2023.

I support the finding of extraordinary circumstances.

By: 
MELODY J. BROWN
Senior Assistant Deputy Attorney General

I too support the finding of extraordinary circumstances.

By: 
DONALD J. ZELENKA
Deputy Attorney General

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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, Robert M. Dudek, Esq., via email today, March 29, 2023 to RDudek@sccid.sc.gov, and to his assistant at kwarren@sccid.sc.gov.

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

This 29th day of March, 2023.

s/ Donna D'Alessio

Donna D'Alessio, Legal Assistant to
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