

**RECEIVED**

**Apr 05 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Jasper County  
The Honorable Bentley Price, Circuit Court Judge

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THE STATE,

Respondent,

v.

DIONTE D'CHON HABERSHAM,

Appellant.

Appellate Case No. 2021-000805

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

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The undersigned counsel would respectfully request a fifteen (15) day extension in which to serve and file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. Counsel for Appellant has consented to all extension requests through April 30, 2023. In support of this motion, counsel would respectfully show the Court the following:

The Initial Brief of Respondent and Designation of Matter are due today, April 5, 2023 per this Court's Order dated March 8, 2023 granting Respondent's fourth extension request. Co-counsel has completed a substantial amount of the brief, however due to his military deployment, he has been unable to perfect and complete the brief. Undersigned attorney for the Respondent is the supervising attorney who will complete the brief. However, counsel has not been able to do

so within the allotted time, primarily due to case work in other assigned matters, especially the following matters spanning the last 45 days as set out below.

1. Undersigned counsel has had a number of other state and federal matters to complete since February, many of those matters in capital cases, such as: counsel prepared and filed status reports on March 6, 2023 in two capital federal habeas action (*William Dickerson; Bayan Aleksey*); filed a supplemental status report on one of those cases on March 8, 2023 (*William Dickerson*); consulted and approved a status report in another capital federal habeas action filed March 9, 2023 (*Bobby Wayne Stone*); drafted a request for in-person resentencing in state proceedings (*Clinton Northcutt*); consulted with the assigned state post-conviction relief judge and opposing counsel on scheduling in remand proceedings in state court (*Jerry Buck Inman*); followed up in pending state post-conviction relief action for disposition of Rule 59 motion (*Bayan Aleksey*); prepared and served discovery requests and also provided discovery documents in a pending state court capital post-conviction relief action (*Bobby Wayne Stone*); drafted a proposed consent order for stay in a state capital post-conviction relief action (*John Richard Wood*); completed witness interviews and hearing preparation, completed and served objection to intent to rely on affidavits, completed and served return to third amended application and motion to dismiss claim then also participated in a capital post-conviction relief evidentiary hearing in Spartanburg, South Carolina, from March 27 through March 31, 2023 (*Rickly Lee Blackwell*); and, completed and filed on March 31, 2023, a Brief of Respondent in a capital post-conviction relief appeal pending in the Supreme Court of South Carolina (*Marion Lindsey*).

2. In non-capital cases, counsel filed a status report and Objections to the Report and Recommendation in a non-capital federal habeas action on February 21, 2023 (*LaShawn Brannon*); completed revisions and filed on February 28, 2023 a final brief of respondent in a

murder direct appeal in the South Carolina Court of Appeals (*Rashawn Little*); completed and filed a Return and Memorandum of Law in Support of Motion for Summary Judgment in a non-capital federal habeas action on February 27, 2023 (*Andre Tayson Boone*), and another on March 1, 2023 in a separate non-capital federal habeas action (*Gerald Haltiwanger, Jr.*); filed a letter response to successive motion for bail in an original jurisdiction action pending the Supreme Court of South Carolina on March 6, 2023 (*James Rose*); and reviewed two initial briefs in murder direct appeals for assignment within the unit (*Vincent Shivers and Andre Covington*).

3. Undersigned counsel is currently completed for filing today in the Supreme Court of the United States a mandatory brief in opposition in a capital case in federal habeas review (*Steven Bixby*); and a motion to stay the mandate in another capital case in federal habeas review to be filed in the Fourth Circuit Court of Appeals (*Sammie Stokes*).

4. Due to counsel's involvement in these and other matters, counsel has been able to review and complete the brief and designation for filing today. However, counsel's filings should be reduced next week and counsel will devote substantial time to completing the brief.

WHEREFORE, counsel respectfully requests a fifteen (15) 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.

Respectfully Submitted,


ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General

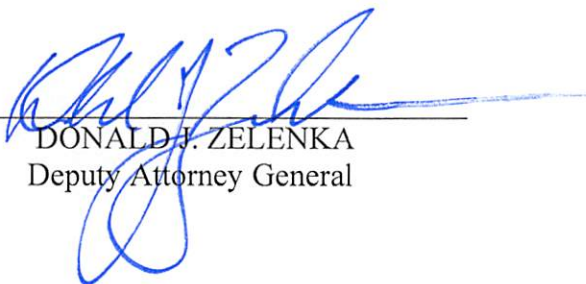
MICHAEL D. ROSS  
Assistant Attorney General

Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

By:   
MELODY J. BROWN  
ATTORNEYS FOR RESPONDENT

April 5, 2023.

I support the finding of good cause.

By:   
DONALD J. ZELENKA  
Deputy Attorney General

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**PROOF OF SERVICE**

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I, Angela Brown, am an employee of the Respondent, herby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion for Extension of Time to File the Brief of Respondent, along with Certificate of Service has been forwarded to Appellant's counsel, Robert Dudek, Esquire at [Rdudek@sccid.sc.gov](mailto:Rdudek@sccid.sc.gov), via email today, April 5, 2023 and to his assistant at [Kwarren@sccid.sc.gov](mailto:Kwarren@sccid.sc.gov).

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

This 5<sup>th</sup> day of April, 2023.

*s/ Angela Brown*

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ANGELA BROWN  
Legal Assistant to Melody J. Brown  
Senior Assistant Deputy Attorney General