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Apr 19 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

THE STATE,

RESPONDENT,

v.

DAUNTE MAURICE JOHNSON,

APPELLANT.

Appellate Case No. 2022-000931

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

The undersigned counsel would respectfully request a third 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, April 21, 2023. Counsel for Appellant has graciously consented to extension requests through April 30, 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, April 21, 2023. The undersigned attorney has had a number of state, and federal matters to attend to since March 20, 2023. Specifically:

1. Counsel filed the Respondent's 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**;

2. Counsel filed the Respondent's Response to Motion to Vacate, etc. [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**;

3. Counsel prepared and 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, also on **March 23, 2023**;

4. Counsel prepared for and was also before the Honorable Daniel D. Hall for a PCR merits hearing in the matter of Ricky Lee Blackwell vs. State of South Carolina, 2018-CP-42-928, a Spartanburg County capital case. The trial commenced on **Monday, March 27, 2023**, and lasted through **Friday, March 31, 2023**;

5. Counsel prepared for and appeared before the South Carolina Supreme Court on **March 30, 2023** for oral argument on behalf of the State in the matter of The State v. William C. Sellers, (Murder) Appellate Case No. 2021-000910, an Edgefield County direct appeal matter¹;

6. Counsel filed the Respondent's Response to Motion to Remove, etc. [ECF #97] in the matter of Ron Santa McCray vs. Warden of Lieber Correctional Institution, C/A No. 1:22-1204-TLW on **April 6, 2023**;

7. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #29] in the matter of Mildred Montgomery, #372236 vs. Warden of Lieber Correctional Institution, C/A No. 8:22-03004-TMC-JDA on **April 10, 2023**;

8. Counsel filed the Respondent's Reply to Response to Motion for Summary Judgment [ECF #23] in the matter of Carlos Dennison vs. Warden of MacDougall Correctional Institution, C/A No. 9:22-02680-RMG-MHC, also on **April 10, 2023**;

¹ Counsel attended oral argument on **March 30, 2023** and returned to the PCR merits hearing in Spartanburg after oral argument.

9. Counsel filed the Respondent's Response to Motion to Renew Motions [ECF #98] in the matter of Ron Santa McCray vs. Warden of Lieber Correctional Institution, C/A No. 1:22-1204-TLW on **April 11, 2023**;

10. Counsel is currently preparing the Initial Brief of Respondent and Designation of Matter in the case of The State vs. Donovan T. Brannon, Appellate Case No. 2022-000015 (Murder) a Lexington County case; and

11. Counsel is also currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Kerwin Parker vs. Warden, Goodman Correctional Institution, C/A No. 1:23-cv-251-MGL-SVH (Federal Habeas Corpus – attempted murder); and

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

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 May 22, 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

April 19, 2023.

I support the finding of good cause.

By: 
MELODY J. BROWN,
Senior Assistant 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 Third 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, April 19, 2023 to bstevens@sccid.sc.gov and to his assistant, Chris Stock at cstock@sccid.sc.gov.

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

This 19th day of April, 2023.

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