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Apr 25 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 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. 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 tomorrow, Wednesday, April 26, 2023. The undersigned attorney has had a number of state, and federal matters to attend to since March 24, 2023. Specifically:

1. Counsel filed 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 on March 27, 2023;
2. Counsel prepared and filed the Informal Brief of Respondent in the capital 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 on April 3, 2023;
3. Counsel filed the Respondent's Response to Motion [ECF #55] in the matter of Darrell L. Goss, Sr., #305517 vs. Warden Shane D. Jackson, C/A No. 2:22-00103-BHH-MGB on April 6, 2023;
4. Counsel also filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #38] in the matter of Shondre Williams vs. Warden of Tyger River, C/A No. 5:22-2702-MGL-KDW on April 13, 2023;
5. Counsel appeared before the South Carolina Supreme Court for oral argument on behalf of the State in the matter of Abdiyyah Ben Alkebulanyahh aka Tyree Roberts vs. State of South Carolina, Appellate Case No. 2019-000529 on Monday, April 17, 2023;
6. Counsel prepared the Brief in Opposition in the capital matter of Marion Bowman vs. Bryan Stirling and Willie Davis, Case No. 22-6772, now pending in the United States Supreme Court and same was filed on April 17, 2023;
7. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Devin Middleton vs. Shane Jackson, Warden of Lee Correctional Institution, C/A No. 5:22-cv-4647-BHH-KDW on April 19, 2023;
8. Counsel is currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Sammie Lee Gerrick vs. Warden, Lieber

Correctional Institution, C/A No. 0:22-cv-3641-BHH-PJG. Same is scheduled to be filed tomorrow, Wednesday, April 26, 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 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 on May 26, 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

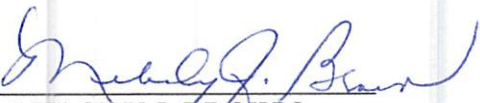
W. JOSEPH MAYE
Assistant Attorney General
S.C. Bar No. 100851

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-6305

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

April 25, 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 W. Joseph Maye, 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 Stevens, Esq., via email today, April 25, 2023 to bstevens@sccid.sc.gov and to his assistant at cstock@sccid.sc.gov.

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

This 25th day of April, 2023.

s/ Donna D'Alessio
Donna D'Alessio, Legal Assistant to
W. Joseph Maye,
Assistant Attorney General
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-6305