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May 09 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chesterfield County
The Honorable Michael G. Nettles, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

ANDRE JUNIOR COVINGTON,

APPELLANT.

Appellate Case No. 2022-000831

**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 May 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 tomorrow, Wednesday, May 10, 2023. The undersigned attorney has had a number of state, and federal matters to attend to since April 7, 2023. Specifically:

1. Counsel 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;

2. 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;

3. 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;

4. 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;

5. Counsel also prepared and filed 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 on April 26, 2023;

6. Counsel was out of the office April 27th, April 28th, and Monday, May 1, 2023 due to a family illness;

7. Counsel filed the Respondent's Motion to Hold in Abeyance in the matter of Darrell L. Goss, Sr., #305517 vs. Warden Shane D. Jackson, C/A No. 2:22-00103-BHH-MGB on May 3, 2023;

8. Counsel also filed the Respondent's Response to Motion to Strike [ECF #63] and to Motion in Limine [ECF #65] in the matter of Darrell L. Goss, Sr., #305517 vs. Warden Shane D. Jackson, C/A No. 2:22-00103-BHH-MGB on May 3, 2023;

9. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Alton Wesley Gore, Jr., #322597 vs. Warden, Lee Correctional Institution, C/A No. 4:22-4040-DCC-TER on May 8, 2023;

10. Counsel prepared and filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #15] in the matter of Devin Middleton vs. Shane Jackson, Warden of Lee Correctional Institution, 5:22-cv-4647-BHH-KDW, today, March 9, 2023; and

11. 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 June 9, 2023.

Respectfully Submitted,

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By: s/W. Joseph Maye

W. JOSEPH MAYE
ATTORNEYS FOR RESPONDENT

May 9, 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, Kathrine Hudgins, Esq., via email today, May 9, 2023 to KHudgins@sccid.sc.gov and to her assistant at cstock@sccid.sc.gov.

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

This 9th day of May, 2023.

s/ Donna D'Alessio

Donna D'Alessio, Legal Assistant to
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