

**RECEIVED**

**May 23 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 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 tomorrow, Wednesday, May 24, 2023. 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 24, 2023. The undersigned attorney has had a number of state, and federal matters to attend to since April 21, 2023. Specifically:

1. Counsel prepared for two to three weeks 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 death penalty case. The merits hearing

commenced on **Monday, March 27, 2023, and lasted through Friday, March 31, 2023** when it was suspended by Judge Hall due to a discovery issue. Respondent has continued to work on this matter since it was suspended in preparation for the re-convening of PCR merits hearing scheduled in July of this year. Counsel also met with a witness in Greenville, South Carolina regarding this matter on **Friday, May 19, 2023;**

2. 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 matter<sup>1</sup>;

3. Counsel filed the Respondent's Reply to Response to Motion for Summary Judgment [ECF #23] in the matter of Carlos Dennison v. Warden of MacDougall Correctional Institution, C/A No. 9:22-02680-RMG-MHC on **April 25, 2023;**

4. Counsel also filed the Respondent's Reply to Objections to Report and Recommendations [ECF #87] in the matter of John Garvin, #355509 vs. Warden LeVern Cohen, C/A No. 2:22-994-DCN-MGB on **May 3, 2023;**

5. Counsel filed a Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Kerwin S. Parker vs. Warden, Goodman Correctional Institution, C/A No. 1:23-251-MGL-SVH on **May 15, 2023**. Said Return was ninety-four (94) pages;

6. Counsel is also currently preparing the Initial Brief of Respondent and Designation of Matter in the matter of The State vs. Donovan T. Brannon, Appellate Case No. 2022-000015. Counsel travelled to the Lexington County Clerk's office on **May 18, 2023** to

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

review the exhibits in this matter, and same is currently due to be filed on Wednesday, May 31, 2023;

7. Counsel assisted in the preparation of the Joint Appendix in the Horry County capital Federal Habeas matter of Stephen C. Stanko vs. Bryan P. Stirling, et al., Case No. 22-3 now pending in the United States Court of Appeals for the Fourth Circuit. Same was filed on May 8, 2023;

8. A law clerk/intern has been assigned to assist in this matter so that the Initial Brief of Respondent may be timely completed; and

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

WHEREFORE, for extraordinary circumstances 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 June 23, 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

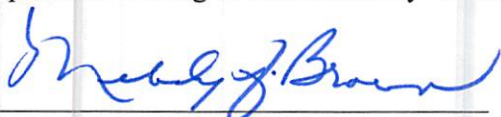
J. ANTHONY MABRY  
Senior Assistant Attorney General  
S.C. Bar No. 11973

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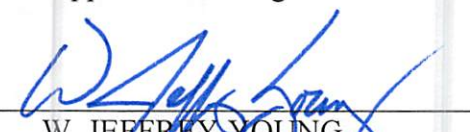
May 23, 2023.

By: s/J. Anthony Mabry  
J. ANTHONY MABRY  
ATTORNEYS FOR RESPONDENT

I support the finding of extraordinary circumstances.

By:   
MELODY J. BROWN,  
Senior Assistant Deputy Attorney General

I further support the finding of extraordinary circumstances.

By:   
W. JEFFREY YOUNG,  
Chief Deputy Attorney General

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Appellate Case No. 2022-000931

\_\_\_\_\_  
**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, Breen R. Stevens, Esq., via email today, May 23, 2023 to [bstevens@sccid.sc.gov](mailto:bstevens@sccid.sc.gov) and to his assistant at [sleverett@sccid.sc.gov](mailto:sleverett@sccid.sc.gov).

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

This 23<sup>rd</sup> day of May, 2023.

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