

**RECEIVED**

**May 26 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Richland County  
The Honorable Jocelyn J. Newman, Circuit Court Judge

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THE STATE,

RESPONDENT,

v.

DEMETRICK DOCTOR,

APPELLANT.

Appellate Case No. 2022-000554

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

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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 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 today, May 26, 2023. The undersigned attorney has had a number of state, and federal matters to attend to since April 26, 2023. Specifically:

1. Counsel 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;
2. Counsel was out of the office April 27<sup>th</sup>, April 28<sup>th</sup>, and Monday, May 1, 2023 due to a family illness;
3. 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;
4. 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;
5. 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;
6. 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 on May 9, 2023;
7. Counsel filed the Respondent's Renewed Motion to Unseal *Ex Parte* Funding Requests and Orders, Stay Rulings on Pending Requests & Prohibit Further *Ex Parte* Communications in the matter of Luzenski Allen Cottrell, #6020 vs. State of South Carolina, an Horry County capital Post-Conviction Relief matter on May 12, 2023;

8. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Tervin Goodman vs. Bryan Stirling and Warden, Broad River Correctional Institution, C/A No. 2:23-00206-RMG-MGB on May 17, 2023;

9. Counsel also appeared before the South Carolina Supreme Court for oral argument in the matter of The State vs. James Heyward, Appellate Case No. 2021-000122, a Richland County direct appeal matter on May 17, 2023;

10. Counsel filed the Brief of Petitioner and Appendix in the matter of The State vs. Demontay M. Payne, Appellate Case No. 2021-001097 a Barnwell County direct appeal matter now pending in the South Carolina Supreme Court on May 23, 2023;

11. Counsel is currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of George S. Barnham, II vs. Bryan Stirling, Director, et al., C/A No. 0:23-745-SAL-PJG; and

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

WHEREFORE, for extraordinary circumstances 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 June 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  
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By: s/W. Joseph Maye  
W. JOSEPH MAYE  
ATTORNEYS FOR RESPONDENT

May 26, 2023.

I support the finding of extraordinary circumstances.

By:   
MELODY J. BROWN  
Senior Assistant Deputy Attorney General

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**PROOF OF SERVICE**

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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, May 26, 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 26<sup>th</sup> day of May, 2023.

*s/ Donna D'Alessio*

Donna D'Alessio, Legal Assistant to  
W. Joseph Maye,  
Assistant Attorney General  
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