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May 26 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Lexington County  
The Honorable Eugene C. Griffith, Jr., Circuit Court Judge

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THE STATE,

Respondent,

v.

CHRISTOPHER JAMEL BRISBON,

Appellant.

Appellate Case No. 2022-000478

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

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The undersigned counsel would respectfully request a 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 consented to all extension requests through May 31, 2023. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of Matter are due today, May 26, 2023 as per this Court's Order dated April 27, 2023 granting Respondent's third extension request. This matter was previously assigned to another attorney and has been recently reassigned. The undersigned attorney has made significant progress in reviewing this matter and discussing the appeal with the prosecutor. Undersigned counsel, however, has had a number of state and federal

matters to address since April 27, 2023, which has prevented the completion of work in this appeal. Specifically,

1. Undersigned counsel's work includes a number of other state and federal matters, many of those matters in capital cases, such as: consulted with judge and co-counsel, and later drafted and sent a letter on April 27, 2023 to the Chief Justice of the Supreme Court of South Carolina regarding judge assignment in remand proceedings in a state PCR action (*Jerry Buck Inman*); drafted and sent a Rule 11 demand letter for discovery responses on April 27, 2023 and also consulted with a medical expert for a pending intellectual disability claim in another state capital case, and further filed, on May 8, 2023, a status update in the stayed federal habeas action and motion to compel discovery in state court (*Bobby Wayne Stone*); filed a status update in a capital federal habeas action on May 5, 2023 and in that same case, filed a return to petition for writ of a habeas corpus in an original jurisdiction action on May 18, 2023 (*William Dickerson*); on May 3, 2023, completed compiling documents for an intellectual disability evaluation and sent the same to SCDDSN, on May 17, 2023, drafted and filed a response in opposition to motion to stay proceedings, on May 19, 2023 prepared and sent a Rule 11 demand letter for discovery response, and on May 22, 2023, prepared and submitted a proposed order denying motion to stay (*Gary Terry*); on May 16, 2023, counsel informed the Supreme Court of South Carolina of exhaustion of state and federal remedies and also filed a status report with the Fourth Circuit Court of Appeals (appeal from the denial of a Rule 60(b), Fed.R.Civ.P. motion) to advise that the execution notice could be issued and, further, today, May 26, 2023, completed and filed a return to motion to stay the setting of an execution date (*Steven Bixby*); on May 22, 2023, counsel informed the Supreme Court of South Carolina of exhaustion in another capital case (*Marion Bowman*); and, counsel has reviewed discovery disclosures and other matters in

preparation for an additional day of testimony in a capital PCR hearing, and, on May 25, 2023, participated in a virtual status conference on scheduling (*Ricky Blackwell*). Counsel is also in the process of preparing a petition to be filed in the Supreme Court of United States to be filed in early June (*Sammie Stokes*).

2. In non-capital cases, undersigned counsel reviewed the inhouse file and completed a closing letter on April 28, 2023 for another attorney's direct appeal murder action (*Michael Williams*); completed and filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in a non-capital federal habeas action pending on May 4, 2023 (*Sylvester King*); completed and filed a response to motion for bail in another non-capital federal habeas action on May 9, 2023 (*Terrell McCoy*); and, researched and consulted on a non-capital PCR action concerning a sentence claim (*Kevin Willson*). Counsel has also recently been assigned responsibility for all Thirteenth Circuit non-capital post-conviction relief actions and appeals and is working to audit and transition the matters to her unit.

3. Due to counsel's recent receipt of this brief on reassignment within the unit, and her involvement in the above-listed matters, counsel has been unable to complete work in this appeal. However, as noted above, counsel has made significant progress. Counsel does not anticipate any further extensions.

4. This request is made in good faith, and not for the purpose of delay.

WHEREFORE, counsel respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter.


Respectfully Submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

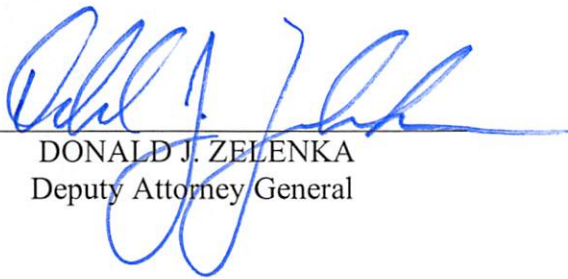
MELODY J. BROWN  
Senior Assistant Deputy Attorney General  
S.C. Bar No: 14244

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(803) 734-6305

By:   
MELODY J. BROWN  
ATTORNEYS FOR RESPONDENT

May 26, 2023.

I support the finding of good cause.

By:   
DONALD J. ZELENKA  
Deputy Attorney General

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**CERTIFICATE OF SERVICE**

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I, Angela Brown, am an employee of the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion for Extension of Time to File Initial Brief of Respondent and Designation of Matter, and Certificate of Service has been forwarded to Appellant's counsel, Breen R. Stevens, Esquire via email today, May 26, 2023 to [bstevens@sccid.sc.gov](mailto:bstevens@sccid.sc.gov), and to his assistant Scott Leverette, at [sleverette@sccid.sc.gov](mailto:sleverette@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/ Angela Brown*

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Angela Brown  
Legal Assistant to Melody J. Brown  
Senior Assistant Deputy Attorney General