

RECEIVED

Jun 14 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Fairfield County  
The Honorable Brian M. Gibbons, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

v.

TIMOTHY JAMES THOMPSON,

APPELLANT.

Appellate Case No. 2022-000397

\_\_\_\_\_  
**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. The Initial Brief is currently due to be filed today, June 14, 2023. Counsel for Appellant has consented to extension requests through June 30, 2023. In support of this motion, counsel would respectfully show the Court the following circumstances:

Respondent's Initial Brief of Respondent and Designation of Matter is due to be filed today, June 14, 2023. The undersigned attorney has had a number of state, and federal matters to attend to since May 12, 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 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**;

4. 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;

5. Counsel travelled to the Lexington County Clerk's office on **May 18, 2023** to review the exhibits in the matter of The State vs. Donovan T. Brannon, Appellate Case No. 2022-000015. The Initial Brief of Respondent was filed on **Wednesday, May 31, 2023**;

6. Counsel filed the Respondent's Response to Motion [ECF #109] in the matter of Ron Santa McCray vs. Warden of Lieber Correctional Institution, C/A No. 1:22-1204-TLW on **June 8, 2023**;

---

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

7. Counsel is also currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Andre Richardson vs. Bryan Stirling and LeVern Cohen, Warden, C/A No. 2:23-cv-818-TMC-MGB. The Return is currently due to be filed on **Wednesday, June 21, 2023**;

8. Counsel is currently preparing the Initial Brief of Respondent in the matter of The State vs. Daunte Maurice Johnson, Appellate Case No. 2022-00093, a Sumter County direct appeal matter. Same is due to be filed on **Friday, June 23, 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 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 July 14, 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

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

June 14, 2023.

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

RECEIVED

Jun 14 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Fairfield County  
The Honorable Brian M. Gibbons, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

TIMOTHY JAMES THOMPSON,

APPELLANT.

Appellate Case No. 2022-000397

**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 Second Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Robert M. Dudek, Esq., via email today, June 14, 2023 to [RDudek@sccid.sc.gov](mailto:RDudek@sccid.sc.gov), and to his assistant at [kwarren@sccid.sc.gov](mailto:kwarren@sccid.sc.gov).

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

This 14<sup>th</sup> day of June, 2023.

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