

**RECEIVED**

**Jun 16 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

Appeal from Edgefield County  
Honorable Walton J. McLeod, IV, Circuit Court Judge

---

THE STATE,

Respondent,

v.

BARRY WAYNE JONES,

Appellant.

Appellate Case No. 2022-000046

---

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

---

The undersigned counsel would respectfully request a thirty (30) day extension in which to serve and 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 June 30, 2023. In support of this motion, counsel would respectfully show the Court the following:

The Initial Brief of Respondent and Designation of Matter are due today, June 16, 2023 per this Court's Order dated May 18, 2023 granting Respondent's third extension request. Counsel has not been able to complete the brief within the allotted time, primarily due to case work in other assigned matters, especially the following matters spanning the last 30 days as set out below.

1. Undersigned counsel's work includes a number of other state and federal matters, many of those matters in capital cases, such as: counsel filed a return to petition for writ of a

habeas corpus in an original jurisdiction action on May 18, 2023 (*William Dickerson*); on May 19, 2023 prepared and sent a Rule 11 demand letter for discovery response, on May 22, 2023, prepared and submitted a proposed order denying motion to stay, and on June 2, 2023, submitted a motion and proposed order authorizing release of medical records (*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 on 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*); 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*); consulted and prepared a joint report regarding potential resentencing filed June 5, 2023, and prepared and submitted a letter on June 12, 2023 to the Supreme Court of South Carolina regarding the status (*Sammie Stokes*); prepared for and attended virtual conference on substitution of counsel and status of case (*Bobby Wayne Stone*). Counsel is also presently in the process of completing a petition to be filed in the Supreme Court of United States by June 20, 2023 (*Sammie Stokes*).

2. In non-capital cases, undersigned counsel completed a return to common law petition for a writ of certiorari on May 30, 2023 (*Lewis Fielder*); on June 2, 2023, counsel prepared and filed a return and memorandum of law in support of motion for summary judgment in a federal habeas action (*Corvin Young*); on June 5, 2023, counsel prepared and filed a return and memorandum of law in support of motion for summary judgment in another federal habeas

action (*Terrell McCoy*); prepared for and presented argument in the Supreme Court of South Carolina on June in a murder direct appeal on June 8, 2023 (*Jason Carver*); and counsel reviewed and filed the final brief of respondent (*Dionte Habersham*). 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 involvement in these and other matters, counsel is unable to timely complete the Brief

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

Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

By: s/Melody J. Brown  
ATTORNEYS FOR RESPONDENT

June 16, 2023.

I support the finding of good cause.

By: 

\_\_\_\_\_  
DONALD J. ZELENKA  
Deputy Attorney General

**RECEIVED**

**Jun 16 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

Appeal from Edgefield County  
Honorable Walton J. McLeod, IV, Circuit Court Judge

---

THE STATE,

Respondent,

v.

BARRY WAYNE JONES,

Appellant.

Appellate Case No. 2022-000046

---

**PROOF OF SERVICE**

---

I, Angela Brown, am an employee of the Respondent, herby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion for Extension of Time to File the Initial Brief of Respondent and Designation of Matter, along with Certificate of Service has been forwarded to Appellant's counsel, Lara M. Caudy, Esquire at [Lcaudy@sccid.sc.gov](mailto:Lcaudy@sccid.sc.gov), via email today, June 16, 2023 and to her assistant at [Hbryant@sccid.sc.gov](mailto:Hbryant@sccid.sc.gov).

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

This 16<sup>th</sup> day of June, 2023.

*s/ Angela Brown*

---

ANGELA BROWN  
Legal Assistant to Melody J. Brown  
Senior Assistant Deputy Attorney General