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Jun 28 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
The Honorable Clifton Newman, Circuit Court Judge

THE STATE,

APPELLANT,

v.

DELRICO EDMONDS,

RESPONDENT.

Appellate Case No. 2022-001716

**MOTION FOR SECOND EXTENSION OF TIME TO FILE
INITIAL BRIEF OF APPELLANT AND DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a second thirty (30) day extension in which to file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. The Initial Brief is currently due to be filed tomorrow, Thursday, June 29, 2023. Counsel for Appellant has graciously consented to extension requests through June 30, 2023. In support of this motion, counsel would respectfully show the Court the following good cause:

The undersigned attorney has had a number of state, and federal matters to attend to since May 26, 2023 including matters in this Court. 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. Today, **June 28, 2023** counsel attended the deposition of Dr. Susan Knights in the matter of Rickey Lee Blackwell vs. State of South Carolina, 2018-CP-42-00928, a Spartanburg County capital post-conviction relief matter. The deposition took place in Charleston, South Carolina;

3. 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, (Murder) so that Initial Brief could be completed. The Initial Brief of Respondent was completed by the undersigned attorney and filed in this Court on **May 31, 2023**;

4. 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 (a federal habeas corpus matter) on **June 8, 2023** in United States District Court;

5. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #35] in the matter of Rodney Galimore vs. Warden J. Nace, C/A No. 5:22-3541-SAL-KDW (a federal habeas matter) on **June 15, 2023** in United States District Court;

6. Counsel also filed the Respondent's Status Report as per TEXT Order [ECF #45] in the matter of Milciades Alcantara vs. Warden of McCormick Correctional Institution, C/A No. 9:21-01498-RBH-MHC (federal habeas matter) on **June 19, 2023** in United States District Court;

7. Counsel prepared and filed 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 (Murder) on **June 21, 2023** in United States District Court (approximately 74 pages);

8. Counsel assisted in the preparation of the Petition for Writ of Certiorari in the United States Supreme Court in the matter of Sammie Stokes vs. Bryan P. Stirling, et al, District Court case No. 1:16-00845-RBH, Lower Court Case No. 98-GS-38-1246 (Capital Murder/Federal Habeas Corpus) to be filed on **Tuesday, June 20, 2023**;

9. Counsel is also currently preparing the Initial Brief of Respondent in this matter The State vs. Daunte Maurice Johnson, Appellate Case No. 2022-00093, a Sumter County direct appeal matter;

10. On **June 23, 2023**, counsel conferenced with co-counsel on Jerry Buck Inman v. State, a remand of a Capital PCR to the PCR Court re: Scheduling Order for new PCR Court and evidentiary matters for the remand PCR merits hearing; and

11. 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 Appellant and Designation of Matter. This request is made in good faith, and not for the purposes of delay. This extension will make Appellant's Initial Brief due July 31, 2023.

Respectfully Submitted,

ALAN WILSON
Attorney General

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

June 28, 2023.

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PROOF OF SERVICE

I, **Donna D'Alessio**, an employee of the Appellant and legal assistant to J. Anthony Mabry, of counsel for the Appellant, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Second Extension of Time to File Initial Brief of Appellant and Designation of Matter has been forwarded to Respondent's counsel, David Alexander, Esq., via email today, June 28, 2023 to dalexander@sccid.sc.gov and to his assistant at spollard@sccid.sc.gov.

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

This 28th day of June, 2023.

s/ Donna D'Alessio
Donna D'Alessio, Legal Assistant to
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Senior Assistant Attorney General
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