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Jul 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 THIRD EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF APPELLANT AND DESIGNATION OF MATTER**  
\_\_\_\_\_

The undersigned counsel would respectfully request a third 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 on Monday, July 31, 2023. Counsel for Appellant has graciously consented to extension requests up to and including July 31, 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 June 28, 2023 including matters in this Court. Specifically:

1. Counsel is currently preparing for a PCR evidentiary hearing in the capital post-conviction relief (PCR) matter of Ricky Lee Blackwell vs. State of South Carolina, before the Honorable Daniel D. Hall in Laurens County, South Carolina, scheduled to begin on Monday, **July 31, 2023;**

2. Counsel was out of the office on a previously planned, yearly family vacation the week of July 10, 2023;

3. On **June 28, 2023** counsel attended the deposition of Dr. Susan Knight 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;

4. Counsel filed the Respondent's Response to Motion to Vacate [ECF #111] in the matter of Ron Santa McCray vs. Warden of Lieber Correctional Institution, C/A No. 1:22-1204-TLW (federal habeas matter) on **July 6, 2023**;

5. Counsel prepared and filed the Respondent's Response in Opposition to Motion for Preliminary Injunction or Stay [ECF #92] in the matter of John Garvin, #355509 v. Warden LeVern Cohen, C/A No. 2:22-994-DCN-MGB (a federal habeas corpus matter) on **July 10, 2023** in the United States District Court;

6. Counsel also prepared and filed the Response in Opposition to Motion for Release [ECF #94] in the matter of John Garvin, #355509 v. Warden LeVern Cohen, C/A No. 2:22-994-DCN-MGB, on **July 10, 2023** in the United States District Court;

7. Counsel prepared and filed the Initial Brief of Respondent in the matter of State vs. Daunte Maurice Johnson, Appellate Case No. 2022-00093, a Sumter County direct appeal matter (murder [2 counts]) on Monday, **July 24, 2023**. On **July 19, 2023**, counsel was out of the office part of the day reviewing exhibits in this matter in Sumter County;

8. Counsel filed the Response to Petitioner's Objections to the Report and Recommendation [ECF #38] in the matter of Mildred Montgomery v. Warden of Leath

Correctional, C/A No. 8:22-cv-3004-TMC-JDA (federal habeas) in the United States District Court on Thursday, **July 20, 2023**;

9. Counsel prepared and filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Steven W. Oxendine vs. Warden of Evans Correctional Institution, C/A No. 2:23-cv-160-SAL-MGB (federal habeas) in the United States District Court on Monday, **July 24, 2023**;

10. Counsel also filed the Respondent's Reply to Response to Motion for Summary Judgment in the matter of Andre Richardson vs. Bryan Stirling, Director of South Carolina Department of Corrections; and Levern Cohen, Warden of Ridgeland Correctional Institution, C/A No. 2:23-00818-TMC-MGB in the United States District Court on Thursday, **July 27, 2023**;

11. Counsel filed the Respondent's Response to Motion for Injunctive Relief [ECF #116] in the matter of Ron Santa McCray vs. Warden of Lieber Correctional Institution, C/A No. 1:22-1204-TLW, also on **July 27, 2023**;

12. Counsel filed the Respondent's Response to Crawford's Motion for Injunctive Relief [District Court ECF #116] in the matter of Lawrence L. Crawford, a/k/a Jonah the Tishbite, a/k/a Gabriel Jahjah T. Tishbite, a/k/a John Gabriel Jahjah Tishbite and Ron Santa McCray vs. Warden of Lieber Correctional Institution, No. 22-7096 [1:22-cv-01204-TLW] in the United States Court of Appeals for the Fourth Circuit on **July 27, 2023**;

13. Counsel is currently preparing the Return to Petition for Writ of Certiorari in the matter of The State vs. James Elbert Daniels, Jr., Appellate Case No. 2018-001630 in the South Carolina in the South Carolina Supreme Court. Same is currently due to filed on **August 23, 2023**; and

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

WHEREFORE, for good cause shown, counsel respectfully requests a third 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 August 30, 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

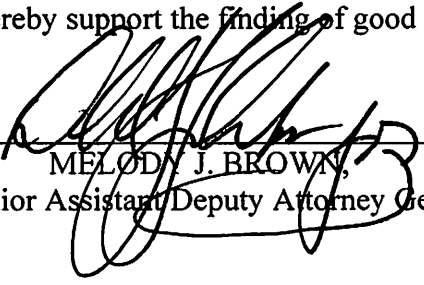
J. ANTHONY MABRY  
Senior Assistant Attorney General  
S.C. Bar No. 11973

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Post Office Box 11549  
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(803) 734-6305

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

July 28, 2023.

I hereby support the finding of good cause.

By:   
MELODY J. BROWN,  
Senior Assistant Deputy Attorney General

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Appellate Case No. 2022-001716

\_\_\_\_\_  
**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 third 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, July 28, 2023 to [dalexander@sccid.sc.gov](mailto:dalexander@sccid.sc.gov) and to his assistant at [spollard@sccid.sc.gov](mailto:spollard@sccid.sc.gov).

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

This 28<sup>th</sup> day of July, 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