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Aug 09 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Chesterfield County  
The Honorable Michael G. Nettles, Circuit Court Judge

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THE STATE,

RESPONDENT,

v.

ANDRE JUNIOR COVINGTON,

APPELLANT.

Appellate Case No. 2022-000831

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

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The undersigned counsel would respectfully request a FIFTH fourteen (14) day extension in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. Counsel for Appellant has graciously consented to extension requests through August 31, 2023. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

Respondent's Initial Brief of Respondent and Designation of Matter is due to be filed Friday, August 11, 2023. The undersigned attorney has had a number of state, and federal matters to attend to since July 10, 2023. Specifically:

1. Counsel filed the Respondent's Reply to Response in Opposition to Motion to Dismiss [ECF #14] in the matter of Darrell L. Goss vs. Shane D. Jackson, C/A No. 2:23-722-BHH-MGB on July 12, 2023;

2. Counsel also filed the Return to the Petition for Writ of Certiorari in the original jurisdiction matter of Tiffany Ann Sanders vs. The State of South Carolina, Appellate Case No. 2023-001010, pending in the Supreme Court of South Carolina on July 17, 2023;

3. Counsel filed the Respondent's Motion to Hold in Abeyance Time Limits for filing a Return and Memorandum of Law in the matter of Darrell Goss, #305517 vs. Shane D. Jackson, C/A No. 2:23-00722-BHH-MGB on July 19, 2023;

4. Counsel filed the Initial Brief of Respondent in the matter of The State vs. Demetrick Doctor, Appellate Case No. 2022-000554 now pending in the South Carolina Court of Appeals on Monday, July 31, 2023;

5. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #41] in the matter of Sammie Lee Gerrick vs. Warden, Lieber Correctional Institution, C/A No. 0:22-3641-BHH-PJG on August 2, 2023;

6. Counsel is currently out of the office at the Association of Government Attorneys in Capital Litigation [AGACL] in Pasadena, California, and will return to the office on Monday, August 14, 2023;

7. Counsel is also currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Chad Stalnaker vs. Warden Martell of MacDougall, C/A No. 8:23-01335-BHH-JDA. Same is due and is scheduled to be filed on Monday, August 14, 2023;

8. Counsel is currently preparing the Initial Brief of Respondent in this matter and is asking for a brief two week extension to complete same; and

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

WHEREFORE, for extraordinary circumstances, counsel respectfully requests a fifth fourteen (14) 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 on August 25, 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

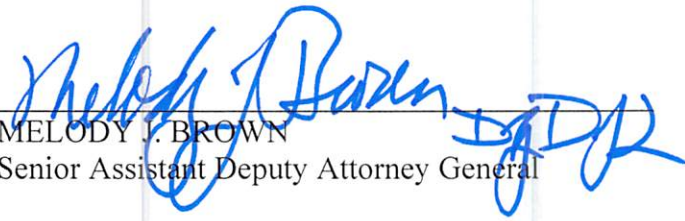
W. JOSEPH MAYE  
Assistant Attorney General  
S.C. Bar No. 100851

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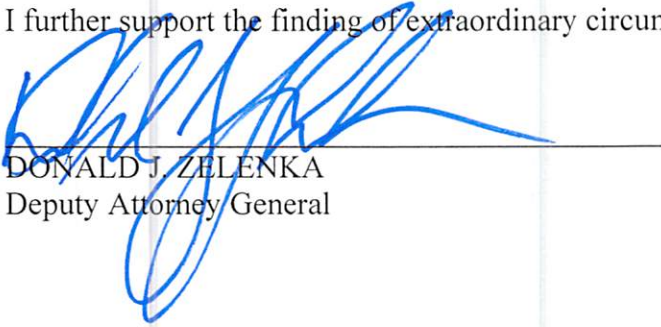
By: s/W. Joseph Maye  
W. JOSEPH MAYE  
ATTORNEYS FOR RESPONDENT

August 9, 2023.

I support the finding of extraordinary circumstances.

  
\_\_\_\_\_  
MELODY J. BROWN  
Senior Assistant Deputy Attorney General

I further support the finding of extraordinary circumstances.

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

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**PROOF OF SERVICE**

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I, **Donna D'Alessio**, an employee of the Respondent and legal assistant to W. Joseph Maye, of counsel for the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Fifth Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Kathrine Hudgins, Esq., via email today, August 9, 2023 to [KHudgins@sccid.sc.gov](mailto:KHudgins@sccid.sc.gov) and to her assistant at [cstock@sccid.sc.gov](mailto:cstock@sccid.sc.gov).

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

This 9<sup>th</sup> day of August, 2023.

*s/ Donna D'Alessio*  
\_\_\_\_\_  
Donna D'Alessio, Legal Assistant to  
W. Joseph Maye,  
Assistant Attorney General  
Office of the Attorney General  
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