

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Marion County  
The Honorable G.D. Morgan, Jr., Circuit Court Judge

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THE STATE,

RESPONDENT,

v.

ZACHIR DEVAUGNTE SHYHIIM MCCALL,

APPELLANT.

Appellate Case No. 2022-000921

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

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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. 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 circumstances:

Respondent's Initial Brief and Designation of Matter is due to be filed today, August 23, 2023. The undersigned attorney has had a number of state, and federal matters to attend to since July 24, 2023. Specifically:

1. 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;

2. 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;

3. Counsel was out of the office at the Association of Government Attorneys in Capital Litigation [AGACL] in Pasadena, California, from August 8<sup>th</sup> and returned to the office on Monday, August 14, 2023;

4. 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;

5. Counsel filed 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 on August 14, 2023. Counsel also filed a Motion to Strike in this matter;

6. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment in the matter of Marvin Bowens Green, #346650, aka Marvin Bowens-Green #346650 vs. Tanya James, C/A No. 4:22-4291-TLW-TER on August 16, 2023;

7. Counsel is currently preparing the Initial Brief of Respondent in the matter of The State vs. Andre Junior Covington, Appellate Case No. 2022-000831. Same is currently due to be filed on Friday, August 25, 2023;

8. Counsel has been out of the office on sick leave from Monday, August 21, 2023 through today, Wednesday, August 23, 2023; and

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

WHEREFORE, for the following circumstances, 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 on September 22, 2023.

Respectfully Submitted,

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Attorney General

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Deputy Attorney General

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

August 23, 2023.

**RECEIVED**

**Aug 23 2023**

**SC Court of Appeals**

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Appellate Case No. 2022-000921

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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 Second Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Breen Stevens, Esq., via email today, August 23, 2023 to [Bstevens@sccid.sc.gov](mailto:Bstevens@sccid.sc.gov) and to his assistant at [sleverett@sccid.sc.gov](mailto:sleverett@sccid.sc.gov).

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

This 23<sup>rd</sup> day of August, 2023.

*s/ Donna D'Alessio*  
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