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**Aug 23 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Sumter County  
The Honorable Kristi F. Curtis, Circuit Court Judge

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THE STATE,

Respondent,

v.

DEMETRIUS ALEXANDER BROWN,

Appellant.

Appellate Case No. 2022-001360

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

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The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. Opposing counsel has graciously consented to this request. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of Matter is due today, Wednesday, August 23, 2023 as per this Court's Order dated July 25, 2023 granting Respondent's second extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since July 25, 2023. Specifically,

1. Counsel traveled to Greenville, South Carolina on July 27, 2023, for a deposition in the death penalty case of Ricky Lee Blackwell v. The State, Case No. 2018-CP-42-000928, a Post-Conviction Relief Appeal;

2. Counsel was in Greenville, South Carolina for a hearing from July 31, 2023 through August 2, 2023 (and may extend another day) in the death penalty case of Ricky Lee Blackwell v. The State, Case No. 2018-CP-42-000928, a Post-Conviction Relief Appeal.

3. Counsel reviewed the complete file and closed the file in the matter of The State v. Jon Paul Smart, a murder appeal from Clarendon County, Appellate Case No. 2021-000987;

4. Counsel filed the *Supplemental Briefing*, by Order of the Honorable Kevin F. McDonald in the matter of Genuine Truth Banner vs. Terrie Wallace, C/A No. 6:22-cv-04475-JD-KFM on August 4, 2023, a Federal Habeas matter pending in the District Court;

5. Counsel prepared and participated in a *Reconstruction Hearing* in a Virtual Courtroom before the Honorable Deadra L. Jefferson on August 8, 2023, in the matter of The State v. Marvin Donte Bryan, Appellate Case No. 2017-001468, a murder appeal pending in the South Carolina Court of Appeals;

6. Counsel filed the *Motion for Summary Judgment*, and *Return and Memorandum of Law in Support of Motion Summary Judgment* in the matter of Lucius Simuel vs. Warden Levern Cohen, C/A No. 2:23-cv-01447-HMH-MGB on August 21, 2023, a matter pending in the District Court;

WHEREFORE, counsel respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief and Designation of Matter. Opposing Counsel has graciously agreed to all extensions through August 31, 2022. This request is made in good faith, and not for the purposes of delay.

Respectfully Submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General

TOMMY EVANS, JR.  
Assistant Attorney General  
No. 7448

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

By: s/Tommy Evans, Jr.  
Tommy Evans, Jr.

August 23, 2023.

I support the finding of good cause

By:   
MELODY J. BROWN  
Senior Assistant Deputy Attorney General

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Appellant.

Appellate Case No. 2022-001360

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**PROOF OF SERVICE**

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I, Tommy Evans, Jr., hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Respondent's third Motion for Extension and Proof of Service have been forwarded to Appellant's counsel, David Alexander, Esq., via email today, August 23, 2023 to [DAlexander@sccid.sc.gov](mailto:DAlexander@sccid.sc.gov), and to his assistant, Shelby Pollard, to [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 23<sup>rd</sup> day of August 2023.

s/Tommy Evans, Jr.  
Tommy Evans, Jr.  
Assistant Attorney General

## Brandy Rankin

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**From:** Brandy Rankin  
**Sent:** Wednesday, August 23, 2023 1:09 PM  
**To:** Alexander, David  
**Cc:** spollard@sccid.sc.gov; Tommy Evans, Jr.  
**Subject:** Demetrius Alexander Brown - Third Extension to file the Initial Brief of Respondent and Designation of Matter, Appellate Case No. 2022-001360  
**Attachments:** Cover Letter to Third Extension Court of Appeals IBOR DOM (03370137xD2C78).docx; Signed Third Extension to file IBOR DOM, 8-23-23, Demetrius Brown (03370108xD2C78).pdf

Mrs. Brandy Rankin, Legal Assistant  
South Carolina Attorney General's Office | Capital Litigation |  
Office 803-734-7240 | Fax 803-734-4035 |  
P.O. Box 11549 | Columbia, SC 29211



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**Aug 23 2023**

**SC Court of Appeals**

ALAN WILSON  
ATTORNEY GENERAL

August 23, 2023

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: *The State v. Demetrius Alexander Brown*  
Appeal from Sumter County  
Appellate Case No. 2022-001360

Dear Ms. Kitchings:

Please find attached one electronic copy of the Respondent's Third Motion for Extension in which to file the Initial Brief and Designation of Matter in the above-referenced case. If you should have any questions, please feel free to contact me.

Sincerely,

s/Tommy Evans, Jr.  
Tommy Evans, Jr.  
Assistant Attorney General

TE/bbr

cc: David Alexander (via email only)