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Sep 15 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Dorchester County
The Honorable Diane Schafer Goodstein, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

POLO K. SALAZAR,

APPELLANT.

Appellate Case No. 2022-001066

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

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 extension requests through September 30, 2023. This case was just re-assigned to counsel on August 24, 2023. This is current counsel's first extension request. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

Respondent's Initial Brief and Designation of Matter is due Monday, September 18, 2023 as per this Court's Order dated August 23, 2023 granting Respondent's third extension request. The

undersigned attorney for the Respondent has had a number of state and federal matters to attend since August 16, 2023. Specifically:

1. On August 24, 2023 the below named counsel was assigned this direct appeal matter;
2. 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;
3. Counsel was out of the office on sick leave from Monday, August 21, 2023 through Wednesday, August 23, 2023;
4. Counsel filed the Initial Brief of Respondent in the matter of The State vs. Andre Junior Covington, Appellate Case No. 2022-000831 on August 25, 2023;
5. Counsel filed the Respondent's Response in Opposition to Motion to Strike [ECF #73] in the matter of Darrell L. Goss, Sr., #305517 vs. Warden Shane D. Jackson, C/A No. 2:22-00103-BHH-MGB on August 28, 2023;
6. Counsel prepared and filed the Respondent's Return to Second Amended Application for Post-Conviction Relief in the Horry County Capital post-conviction relief action of Luzenski Allen Cottrell, #6020 vs. State of South Carolina, 2018-CP-26-05709 on August 30, 2023;
7. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #23] in the matter of George S. Branham, II vs. Bryan Stirling and Shane Jackson, Warden, C/A No. 0:23-cv-745-SAL-PJG on September 6, 2023;
8. Counsel filed the Response in Opposition to Motion for Injunctive Relief in the matter of James C. Whaley v. Nick Gallam, Detention Captain, C/A No. 4:23cv-2473-HMH-TER, a Federal Habeas case pending in the District Court;

9. In the instant case Counsel has drafted the Brief but needs more time to perfect the brief for filing, and,

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

WHEREFORE, for the following extraordinary circumstances, counsel respectfully requests a Fourth 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 October 18, 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

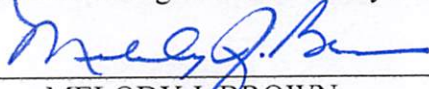
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-6305

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

September 15, 2023.

I support the finding of extraordinary circumstances.

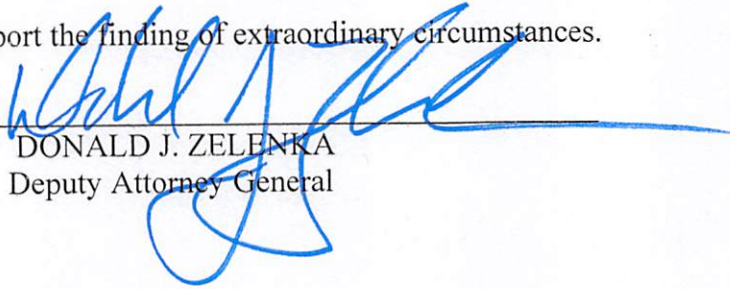
By:



MELODY J. BROWN,
Senior Assistant Deputy Attorney General

I too support the finding of extraordinary circumstances.

By:



DONALD J. ZELENKA
Deputy Attorney General

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Appellate Case No. 2022-001066

PROOF OF SERVICE

I, **W. Joseph Maye**, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Respondent's Motion for Extension has been forwarded to Appellant's counsel, Breen R. Stevens, Esq., via email today, September 15, 2023 to Bstevens@sccid.sc.gov, and to his assistant, Scott Leverett at Sleverett@sccid.sc.gov.

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

This 15th day of September, 2023.

s/W. Joseph Maye

W. JOSEPH MAYE
Assistant Attorney General

Brandy Rankin

From: Brandy Rankin
Sent: Friday, September 15, 2023 2:25 PM
To: Stevens, Breen
Cc: Leverett, Scott; Joe Maye
Subject: Polo Salazar - Extension to File Initial Brief and Designation of Matter - Appellate Case No. 2022-001066
Attachments: Fourth Extension (Joe's Flrst) to file IBOR DOM, 9-15-23, Polo Salazar (03389565xD2C78).pdf

Dear Mr. Stevens,

Please find attached the Respondent's Fourth Extension to file the Initial Brief and Designation of Matter. Please note, however, this is current counsel's First Extension request (this brief having been re-assigned on August 24, 2023). This Extension will be filed with the Court of Appeals today, September 15, 2023, along with a copy of this email. Have a great weekend!

Brandy Rankin

Brandy Rankin
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211

