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Oct 16 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Edgefield County  
The Honorable Courtney Clyburn-Pope, Circuit Court Judge

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THE STATE,

Respondent,

v.

GABRIEL DANTRAY CURRY,

Appellant.

Appellate Case No. 2022-000966

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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, Monday, October 16, 2023, as per this Court's Order dated September 14, 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 September 14, 2023. Specifically,

1. Counsel traveled to Greenville, South Carolina on September 19, 2023, for a Post-Conviction Relief hearing in the matter of Jacoby J. Gregory, 368934 v. The State of South Carolina, Case No. 2018-CP-23-2957;
2. Counsel prepared and filed the *Voluntary Dismissal* on September 21, 2023 in the Federal Habeas case of Rev. Thomas Louis Davis v. Warden of Kirkland Reception and Evaluation Center, C/A No. 1:23-cv-2470-BHH-SVH, a case pending in the District Court;
3. Counsel prepared and filed the *Initial Brief and Designation of Matter* on September 21, 2023, in the case of The State v. Demetrius Alexnader Brown, Appellate Case No. 2022-001360, a case pending in this Court;
4. Counsel was on pre-planned Annual Leave from September 22, 2023 through September 29, 2023;
5. Counsel reviewed the entire file and closed the file on October 2, 2023 in the matter of The State v. Lutavius D. Elmore, Appellate Case No. 2020-001162, a Murder Appeal.
6. Counsel reviewed the entire file and closed the file on October 5, 2023 in the matter of The State v. Carmie J. Nelson, Appellate Case No. 2019-000788 and South Carolina Supreme Court's Appellate Case No. 2021-0001356;
7. Counsel attended the annual Solicitor's Conference in Myrtle Beach, South Carolina from October 9, 2023 through October 11, 2023;
8. Counsel has been involved in working on other matters is state and federal 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 October 31, 2023. 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

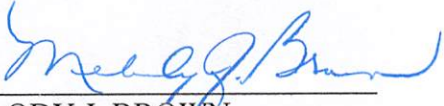
TOMMY EVANS, JR.  
Assistant Attorney General  
No. 7448

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

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

October 16, 2023.

I support the finding of good cause

By:   
MELODY J. BROWN  
Senior Assistant Deputy Attorney General

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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, Robert Dudek, Esq., via email today, October 16, 2023 to [RDudek@sccid.sc.gov](mailto:RDudek@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 16th day of October 2023.

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