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Oct 13 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
The Honorable Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

CHARLES JASON CARMICHAEL,

APPELLANT.

Appellate Case No. 2022-001717

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

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 October 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, October 13, 2023. The undersigned attorney has had a number of state, and federal matters to attend to since September 13, 2023. Specifically:

1. Counsel filed the Response in Opposition to Motion for Injunctive Relief in the matter of James C. Whaley v. Nick Gallam, C/A No. 4:23-2473-HMH-TER, a Federal Habeas case pending in the District Court on September 14, 2023;

2. Counsel also filed the Respondent's Response in Opposition to Motion for Summary Judgment in the matter of Chad Stalnaker vs. Warden, Lieber Correctional Institution, C/A No. 8:23-01335-BHH-JDA on September 18, 2023;

3. Counsel filed the Respondent's Reply to Objections to Report and Recommendation in the matter of Fred R. Halcomb, Jr. vs. Warden Truitt, C/A No. 8:22-1877-JD-JDA on September 19, 2023;

4. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Comest S. Allen vs. William Langdon, Warden of Allendale Correctional Institution, C/A No. 9:23-cv-990-TMC-MHC on September 20, 2023;

5. Counsel travelled to Richmond, Virginia on September 21, 2023 for oral argument before the United States Court of Appeals for the Fourth Circuit. Oral argument was September 22, 2023 in the capital matter of Steven Bixby v. Bryan Stirling, No. 22-4, lower court case no. 4:17-00954-BHH;

6. Counsel appeared on behalf of the State for oral argument in the South Carolina Supreme Court in the matter of The State vs. Demontay M. Payne, Appellate Case No. 2021-001097, a Barnwell County murder appeal matter on October 4, 2023;

7. Counsel also prepared the Respondent's Reply to Response to Motion for Summary Judgment [ECF #29], and Motion to Strike in the matter of Comest S. Allen vs. William Langdon, Warden of Allendale Correctional Institution, C/A No. 9:23-cv-990-TMC-MHC on October 6, 2023;

8. Counsel is currently preparing the Initial Brief of Respondent in the matter of The State vs. Polo K. Salazar, a Dorchester County direct appeal matter pending in the South Carolina Court of Appeals, which is currently scheduled to be filed on October 18, 2023;

9. Counsel was out of the office this week attending the Solicitor's Conference [scheduled continuing legal education] in Myrtle Beach, SC; 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 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 November 13, 2023.

Respectfully Submitted,

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By: s/W. Joseph Maye

October 13, 2023.

W. JOSEPH MAYE
ATTORNEYS FOR RESPONDENT

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PROOF OF SERVICE

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, Robert M. Dudek Esq., via email today, October 13, 2023 to RDudek@sccid.sc.gov and to his assistant at spollard@sccid.sc.gov, and to Yasmeen Ebbini at yasmeen.ebbini@nelsonmullins.com.

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

This 13th day of October, 2023.

s/ Donna D'Alessio

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