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Nov 02 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,

APPELLANT,

v.

DELRICO EDMONDS,

RESPONDENT.

Appellate Case No. 2022-001716

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

The undersigned counsel would respectfully request a FIFTH thirty (30) day extension in which to file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. The Initial Brief is currently due to be filed on Monday, November 6, 2023. Counsel for Respondent has graciously consented to extension requests up to and including November 30, 2023. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

The undersigned attorney has had a number of state, and federal matters to attend to since October 3, 2023 including matters in this Court. Specifically:

1. Counsel prepared and filed the Return to Petition for a Writ of Habeas Corpus in the matter of Richard Bernard Moore vs. Bryan P. Stirling, Commissioner, South Carolina Department of Corrections, in the Original Jurisdiction pending in the South Carolina Supreme Court on **Monday, October 2, 2023**;

2. Counsel prepared and filed the Response Brief in the capital matter of Stephen C. Stanko, Appellant/Petitioner vs. Bryan Stirling, Director, South Carolina Department of Corrections, and Lydell Chestnut, Warden Broad River Correctional Institution, Appellee/Respondents, Case No. 22-3 now pending in the United States Court of Appeals for the Fourth Circuit on **Tuesday, October 3, 2023**;

3. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Malcolm A. Williams vs. Wilfredo Martell, Warden, C/A No. 4:23-cv-1833-DCC-TER on **Thursday, October 5, 2023**;

4. Counsel was out of the office from **Monday, October 9, 2023** through **Wednesday, October 11, 2023** as he was attending the Solicitor's Conference [scheduled continuing legal education] in Myrtle Beach, SC;

5. Counsel prepared the Respondent's Reply to Response in Opposition to Motion for Summary Judgment in the matter of Malcolm Antwon Williams, #372579, aka Malcom A. Williams vs. Wilfredo Martell, Warden, C/A No.: 4:23-1833-DCC-TER on **Wednesday, October 25, 2023**;

6. Counsel is currently preparing the Initial Brief of Respondent in the Fairfield County direct appeal matter of The State vs. Timothy James Thompson, Appellate Case No. 2022-000397 which is to be filed on **November 13, 2023**;

7. Counsel is also currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Jon Wynn Jarrard, Sr. vs. Warden, Wilfredo Martell, C/A No. 5:23-2588-SAL-KDW which is due to be filed on **Monday, November 6, 2023**; and

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

A law clerk was previously assigned to assist on this brief and has been assisting Appellant's attorney in this matter.

WHEREFORE, for extraordinary circumstances shown, counsel respectfully requests a fifth thirty (30) day extension of time to serve and file the Initial Brief of Appellant and Designation of Matter. This request is made in good faith, and not for the purposes of delay. This extension will make Appellant's Initial Brief due December 6, 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


J. ANTHONY MABRY
Senior Assistant Attorney General
S.C. Bar No. 11973

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By: *s/J. Anthony Mabry*
J. ANTHONY MABRY
ATTORNEYS FOR APPELLANT


November 2, 2023.

I hereby support the finding of extraordinary circumstances.

By: 

MELODY J. BROWN,
Senior Assistant Deputy Attorney General

I further support the finding of extraordinary circumstances.

By: 

W. JEFFREY YOUNG
Chief Deputy Attorney General

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PROOF OF SERVICE

I, **Donna D'Alessio**, an employee of the Appellant and legal assistant to J. Anthony Mabry, of counsel for the Appellant, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Fifth Extension of Time to File Initial Brief of Appellant and Designation of Matter has been forwarded to Respondent's counsel, David Alexander, Esq., via email today, November 2, 2023 to dalexander@sccid.sc.gov and to his assistant at spollard@sccid.sc.gov.

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

This 2nd day of November, 2023.

s/ Donna D'Alessio
Donna D'Alessio, Legal Assistant to
J. Anthony Mabry
Senior Assistant Attorney General
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