

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Nov 06 2023

SC Court of Appeals

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Appeal from Florence County  
The Honorable D. Craig Brown, Circuit Court Judge  
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THE STATE,

Respondent,

LARRY JA JUAN SCIPIO, JR.,

Appellant.

v.

Appellate Case No. 2022-000949

\_\_\_\_\_  
**MOTION FOR THIRD 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. 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, November 6, 2023, as per this Court's Order dated October 6, 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 October 6, 2023. Specifically,

1. 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;
2. Counsel attended the annual Solicitor's Conference in Myrtle Beach, South Carolina from October 9, 2023 through October 11, 2023;
3. Counsel completed and filed the *Federal Corpus Habeas Return* with attachments and the *Motion for Summary Judgment* in the case of Tashon Earl Hurell v. Brian Kendall on October 30, 2023, C/A 5:23-cv-3556-MGL-KDW a case pending in the United States District Court for the District of South Carolina;
4. Counsel completed and filed the *Motion to Deny Petitioner's Motion to Amend/Correct Petition* on November 1, 2023, in the matter of Genuine Truth Banner, SCDC# 375165 vs. Terrie Wallace, Warden, C/A No. 6:22-cv-04475-JD-KFM a matter pending in the United States District Court for the District of South Carolina;
5. Counsel's section is now responsible for Post Conviction Relief cases in the Thirteenth Circuit. As such, counsel is working on the following: *Motion to Dismiss* in the matter of Willie James Huff v. The State, Case No. 2018-CP-23-4618; *Motion to Dismiss* in the matter of Ulises Robiero Lopez v. The State, Case No. 2018-CP-23-4968; *Conditional Order* in the matter of Troy Lee Kilgore v. The State, Case No. 2018-CP-23-4977; *Conditional Order* in the matter of Loran Leroy Rowan v. The State, Case No. 2018-CP-23-4978; *Conditional Order* in the matter of James Lynch, III v. The State, Case No. 2018-CP-23-5660.
6. Counsel has been involved in working on other matters in 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 November 30, 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.

November 6, 2023.

I support the finding of good cause

By: 

BR 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, November 6, 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 6th day of November 2023.

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