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Nov 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 THIRD EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a THIRD 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 November 30, 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, November 13, 2023. The undersigned attorney has had a number of state, and federal matters to attend to since October 13, 2023. Specifically:

1. Counsel was out of the office the week of October 9th attending the Solicitor's Conference [scheduled continuing legal education] in Myrtle Beach, SC;

2. Counsel filed 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 on October 18, 2023;

3. Counsel was out of the office a few days due to a family illness;

4. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of James C. Whaley, #1001117, a/k/a James C. Whaley, #357132 vs. Nick Gallam, C/A No. 4:23-cv-2473-HMH-TER on October 27, 2023;

5. Counsel also prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Michael Wilson Pearson vs. Warden of Evans Correctional Institution, 5:23-cv-2693-CMC-KDW on November 6, 2023;

6. Counsel is also currently preparing the Returns to Applications for Post-Conviction Relief in five (5) Greenville County post-conviction matters;

7. Counsel is currently preparing for oral argument in the South Carolina Supreme Court on Wednesday, November 15, 2023 in the matter of The State vs. Montrelle Lamont Campbell, Appellate Case No. 2022-000349, a Charleston County murder appeal; and

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

WHEREFORE, for the following extraordinary circumstances, counsel respectfully requests a THIRD 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 December 13, 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

November 13, 2023.

I support the finding of good cause.

By: 
MELODY J. BROWN,
Senior Assistant Deputy Attorney General

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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 third 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, November 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 November, 2023.

s/ Donna D'Alessio
Donna D'Alessio, Legal Assistant to
W. Joseph Maye,
Assistant Attorney General
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-6305