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Nov 29 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Richland County
The Honorable Robert E. Hood, Circuit Court Judge

THE STATE,

Respondent,

v.

JAYLEN WESTLY BELL,

Appellant.

Appellate Case No. 2022-001541

**MOTION FOR 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 serve and file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. Opposing counsel has graciously consented to all extensions through November 30, 2023. In support of this motion, counsel would respectfully show the Court the following:

The Respondent's Initial Brief and Designation of matter are due today, November 29, 2023, according to this Court's Order dated October 31, 2023, granting Respondent's second extension request. The undersigned attorney for the Respondent, however, has had a number of state and federal matters to attend since October 31, 2023. Specifically, on November 1, 2023, counsel completed and filed in the Supreme Court of South Carolina the petition for writ of certiorari and appendix in a non-capital PCR action (*James Johnson*); completed and filed a motion to dismiss (interlocutory appeal) in this Court on November 2, 2023 (*John Joseph Erb*);

on November 9, 2023, counsel completed and submitted a response in opposition to motion for *ex parte* proceedings for funding matters in a capital PCR action (*John Richard Wood*); on November 7, 2023, completed and filed a response in opposition to motion to alter or amend in a non-capital federal habeas action (*Lashawn Brannon*); on November 13, 2023, completed and submitted a proposed final order of dismissal in a non-capital PCR action (*Jessie Allison*); on November 13, 2023, completed and filed in this Court an initial brief of respondent (*Robert Dillard*); completed and filed on November 13, 2023, a return and memorandum of law in support of motion for summary judgment in a non-capital federal habeas action (*James Robert McClurkin*); and also on November 13, 2023, counsel consulted, reviewed and approved a joint status report in a capital federal habeas action (*Bobby Wayne Stone*); on November 14, 2023, prepared and filed a status report in another capital federal habeas action (*James Robertson*) and also on November 14, 2023, prepared and filed another status report in a separate capital federal habeas action (*Anthony Woods*); on November 17, 2023, prepared and submitted a status report in a non-capital PCR action (*Quincy Massey*); on November 20, 2023, completed and submitted for filing a return in a non-capital PCR action (*Sheldon Watson*); on November 20, 2023, completed and filed a response to motion for discovery and prepared and filed a motion to hold motion to seal in abeyance in a capital federal habeas action (*William Dickerson*); on November 21, 2023, completed and filed an amended return and memorandum of law in support of motion for summary judgment in a non-capital federal habeas action (*Edward Stackhouse*); on November 28, 2023, completed a draft order of dismissal and circulated same to opposing counsel in a non-capital PCR action (*Demossio Valentine*); and, on November 29, 2023, completed and filed with this court a return to petition for supersedeas (*Ryan Manigo*). This is in

addition to continue to prepare for various capital and non capital hearings scheduled to begin in January 2024.

Due to counsel's involvement in these and other matters, counsel is unable to timely complete the Initial Brief of Respondent and Designation of Matter.

WHEREFORE, counsel respectfully requests a 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.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

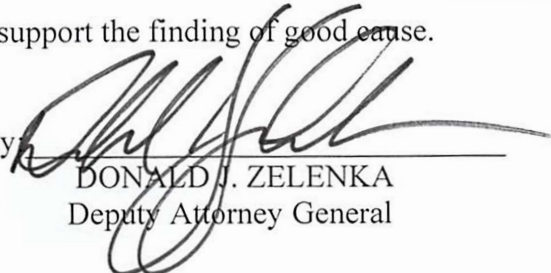
MELODY J. BROWN
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(803) 734-6305

By: 
MELODY J. BROWN
ATTORNEYS FOR RESPONDENT

November 29, 2023.

I support the finding of good cause.

By: 
DONALD J. ZELENKA
Deputy Attorney General

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PROOF OF SERVICE

I, Angela Brown, am an employee of the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion for Extension Time, and Certificate of Service has been forwarded to Appellant's counsel, Breen Stevens, Esquire via email today, November 29, 2023 to Bstevens@sccid.sc.gov, and to his assistant Scott Leverette, at sleverette@sccid.sc.gov.

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

This 29th day of November, 2023.

s/ Angela Brown

Angela Brown
Legal Assistant to Melody J. Brown
Senior Assistant Deputy Attorney General