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Dec 06 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA  
In the 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

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

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Respondent, the State, moves this Court for an additional thirty (30) day extension of time in which to file the Initial Brief of Respondent and Designation of Matter, which is currently due to be filed today, Wednesday, December 6, 2023. Opposing counsel has graciously consented to all extension requests through December 31, 2023. In support of this motion, counsel would respectfully show the Court the following:

1. 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 this Court;

2. Counsel filed the *Final Brief and Certificate of Compliance* on November 1, 2023, in the matter of The State v. Demetrius Alexander Brown, Appellate Case No. 2022-001360, a matter pending in the South Carolina Court of Appeals;
3. 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;
4. Counsel filed the *Initial Brief & Designation of Matter* in the case of The State v. Gabriel Dantray Curry, Appellate Case No. 2022-000966 on November 15, 2023, a matter pending in the South Carolina Court of Appeals;
5. Counsel prepared and filed the *Response in Opposition to Motion to Re-open* on December 4, 2023, in the matter of William Leon Burnett v. State of South Carolina, C/A No: 9:21-cv-04014-MGL-MHC, a matter pending in this Court;
6. Counsel is working on the *Petition for Writ of Certiorari and Appendix* in the matter of The State v. Terriel Leshawn Mack, Appellate Case No. 2019-000521, which is due December 21, 2023, a matter pending in the South Carolina Supreme Court;
7. Counsel has been involved in working on other matters in state and federal court.

This is the fourth request for an extension in which to file the Initial Brief and Designation of Matter. Undersigned counsel has consulted with opposing counsel in this action, who consents to the request for additional time.

WHEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete the Initial Brief of Respondent and Designation of Matter.

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

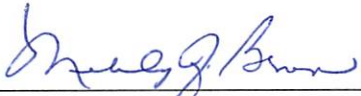
By: Tommy Evans, Jr.  
TOMMY EVANS, JR.  
No. 7448  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

ATTORNEY FOR RESPONDENT

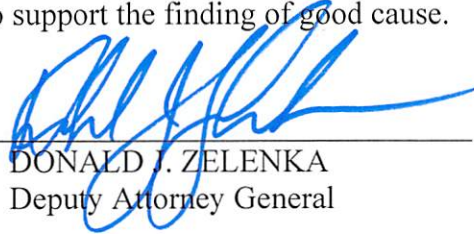
December 6, 2023.  
Columbia, South Carolina

*[signature block next page]*

I support the finding of good cause.

By:   
MELODY J. BROWN  
Senior Assistant Deputy Attorney General

I too support the finding of good cause.

By:   
DONALD J. ZELENKA  
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 Fourth Extension to file the Initial Brief of Respondent, Designation of Matter, and Proof of Service has been forwarded to Appellant's counsel, Robert M. Dudek, Esq., via email today, December 6, 2023 to [RDudek@sccid.sc.gov](mailto:RDudek@sccid.sc.gov), and to his assistant, Scott Leverett 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, the 6th day of December 2023

*s/Tommy Evans, Jr.*

Tommy Evans, Jr.

S.C. Bar No. 12990

Post Office Box 11549

Columbia, South Carolina 29211

ATTORNEY FOR RESPONDENT

## Brandy Rankin

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**From:** Brandy Rankin  
**Sent:** Wednesday, December 6, 2023 10:35 AM  
**To:** Dudek, Robert  
**Cc:** spollard@sccid.sc.gov; Tommy Evans, Jr.  
**Subject:** Larry Ja Juan Scipio, Jr. - Fourth Extension to file Initial Brief and Designation of Matter  
**Attachments:** Fourth Extension to file Initial Brief and Designation of Matter, 12-6-23, Larry Scipio (03451864xD2C78).pdf

**Follow Up Flag:** Worldox

Dear Mr. Dudek,

Please find attached the Respondent's Fourth Extension in which to file the Initial Brief and Designation of Matter. This document will be filed with the South Carolina Court of Appeals along with a copy of this email.

Thank you!

Sincerely,

*Brandy Rankin*

Brandy Rankin, Legal Assistant to Tommy Evans, Jr.  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
803-734-6305



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Dec 06 2023

SC Court of Appeals

ALAN WILSON  
ATTORNEY GENERAL

December 6, 2023  
(via electronic submission only)

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211

Re: *The State v. Larry Ja Juan Scipio, Jr.*  
Appeal from Florence County  
Appellate Case No. 2022-000949

Dear Ms. Kitchings:

Please find attached one electronic copy of the Respondent's Fourth Motion for Extension in which to file the Initial Brief and Designation of Matter in the above-referenced case. If you should have any questions, please feel free to contact me.

Sincerely,

s/Tommy Evans, Jr.  
Assistant Attorney General

TE:brb

cc: Robert M. Dudek, Esquire (via email only)