

RECEIVED

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

The undersigned counsel would respectfully request a FOURTH 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 December 31, 2023. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

Respondent's Initial Brief and Designation of Matter is due to be filed today, December 13, 2023. The undersigned attorney has had a number of state, and federal matters to attend to since November 13, 2023. Specifically:

1. Counsel prepared the Returns to Applications for Post-Conviction Relief in three (3) Greenville County post-conviction matters;

2. Counsel appeared before the South Carolina Supreme Court for oral argument on behalf of the State in the matter of The State vs. Montrelle L. Campbell, Appellate Case No. 2022-000349, a Charleston County direct appeal matter on Wednesday, November 15, 2023;

3. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #47] in the matter of James C. Whaley, #1001117, a/k/a James C. Whaley, #357132 vs. Nick Gallam, C/A No. 4:23-2473-HMH-TER on November 16, 2023;

4. Counsel was out of the office for four (4) days due to family illness and personal illness;

5. Counsel prepared the Respondent's Motion and Memorandum to Prohibit *Ex Parte* Funding Requests and Orders in the Lexington County capital matter of Norman Starnes vs. The State of South Carolina, 2011-CP-32-830 on November 17, 2023;

6. Counsel prepared the Initial Brief of Respondent in the matter of The State vs. Zachir D. McCall, Appellate Case No. 2022-000921, a Marion County direct appeal matter now pending in the South Carolina Court of Appeals on December 7, 2023;

7. Counsel also prepared for oral argument on behalf of the State in the Lexington County capital matter of Ron O'Neal Finklea vs. State of South Carolina, Appellate Case No. 2019-001104 today, Wednesday, December 13, 2023 before the South Carolina Supreme Court;

8. Counsel has begun to work on the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Chris Anthony Liverman vs. South Carolina Department of Corrections, Warden of Tallahatchie County Correctional Facility, C/A No. 9:23-3205-JD-MHC;

9. Counsel also filed the Respondent's Response in Opposition to Petitioner's Motion to Expand the State Court Record and/or Include Additional Materials as per TEXT

Order #34 in the matter of Michael Wilson Pearson vs. Warden, Evans Correctional Institution,
C/A No. 5:23-02693-CMC-KDW on December 11, 2023; and

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

WHEREFORE, for the following extraordinary circumstances, counsel respectfully requests a FOURTH 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 January 12, 2024.

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

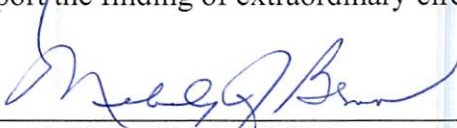
W. JOSEPH MAYE
Assistant Attorney General
S.C. Bar No. 100851

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

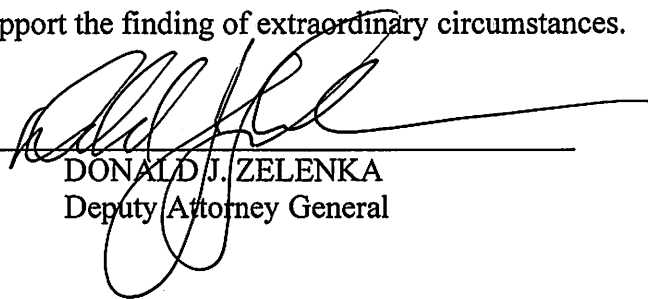
December 13, 2023.

I support the finding of extraordinary circumstances.

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

I support the finding of extraordinary circumstances.

By:

A handwritten signature in black ink, appearing to read 'Donald J. Zelenka', is written over a horizontal line. The signature is stylized and cursive.

DONALD J. ZELENKA
Deputy Attorney General

RECEIVED

Dec 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

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 Fourth 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, December 13, 2023 to RDudek@sccid.sc.gov and to his assistant at spollard@sccid.sc.gov, and to Yasmee Ebbini at yasmee.ebbini@nelsonmullins.com.

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

This 13th day of December, 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