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SC Court of Appeals

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Lexington County  
The Honorable Debra R. McCaslin, Circuit Court Judge

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THE STATE,

Respondent,

v.

JUSTIN TYLER ELLAREE HOPKINS,

Appellant.

Appellate Case No. 2022-001567

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

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The undersigned counsel would respectfully request a thirty (30) day extension up to and including February 5, 2024, 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 tomorrow, Friday, January 5, 2024, as per this Court's Order dated December 5, 2023 granting Respondent's second extension request. The undersigned attorney for the Respondent has had several state and federal matters to attend since December 5, 2023. Specifically,

1. 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 the District Court;
2. Pursuant to the request of Solicitor William Weeks of the 2<sup>nd</sup> Judicial Circuit, on December 7, 2023, Counsel prepared for and participated in a hearing in the Family Court in Aiken, South Carolina regarding the Constitutionality of Waivers of Hearings in the matter of a juvenile, Docket No. 2022-JU-02-182, 183, 184;
3. Counsel prepared and participated in a hearing in York County on December 15, 2023, a death penalty Post Conviction Relief matter in the case of Rickey Lee Blackwell v. State of South Carolina, Case No. 2018-CP-42-00928;
4. Counsel filed the *Motion for Summary Judgment*, and *Return and Memorandum of Law in Support of Motion Summary Judgment* in the matter of MonQuez Young v. Warden of Livesay Correctional Institution, C/A No. 1:23-cv-3505-BHH-SVH on December 18, 2023, a matter pending in the District Court;
5. Counsel completed and filed the *Petition for Writ of Certiorari* and *Appendix* in the matter of The State v. Terriel Leshawn Mack, Appellate Case No. 2019-000521, on December 20, 2023, a matter pending in the South Carolina Supreme Court;
6. Counsel filed the *Final Brief, Certificate of Compliance and Certificate of Service* in the case of The State v. Gabriel Dantray Curry, Appellate Case No. 2022-000966 on January 3, 2024, a matter pending in this Court;
7. Counsel is working on the Initial Brief and Designation of Matter in the case of The State v. Larry Ja Juan Scipio Jr., Appellate Case No. 2022, 000949 due January 5, 2024 and on Fourth Extension, a matter pending in this Court;

8. Counsel has been involved in working on other State and Federal matters.

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 January 31, 2024. 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.

January 4, 2024.

I support the finding of good cause

By:   
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, Gary Johnson, Esq., via email today, January 4, 2024 to [GJohnson@sccid.sc.gov](mailto:GJohnson@sccid.sc.gov), and to his assistant, Kaylynn Warren, to [KWarren@sccid.sc.gov](mailto:KWarren@sccid.sc.gov).

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

This, the 4th day of January 2024.

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

## Brandy Rankin

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**From:** Brandy Rankin  
**Sent:** Thursday, January 4, 2024 3:04 PM  
**To:** gjohnson@sccid.sc.gov  
**Cc:** Warren, Kaylynn  
**Subject:** Third Extension - Justin Tyler Ellaree Hopkins - Appellate Case No. 2022-001567  
**Attachments:** Third Extension Hopkins for filing.pdf

Dear Mr. Johnson,

Please find attached the Respondent's Third Extension request in which to file the Initial Brief and Designation of Matter. This extension will be filed today, January 4, 2024 with the South Carolina Court of Appeals along with a copy of this email. Have a great day!

Sincerely,  
*Brandy Rankin*

*Brandy Rankin*

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



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