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Jan 03 2024

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 January 31, 2024. 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, January 3, 2024, according to this Court's Order dated November 30, 2023, granting Respondent's third extension request. The undersigned attorney for the Respondent, however, has had a number of state and federal matters to attend since November 30, 2023. Specifically, on December 5, 2023, prepared and submitted a proposed order denying Applicant's Rule 59 motion in a capital post-conviction relief action (*Bayan Aleksey*); on December 7, 2023, attended a motions hearing in family court concerning a waiver hearing on a pending murder charge in Aiken County (*Antonio Jones*), and

on that same day completed and submitted a memorandum of law in a pending appeal and petition for supersedeas in the South Carolina Court of Appeals (*John Joseph Erb*); on December 11, 2023, completed and filed a Brief of Respondent in a non-capital post-conviction relief appeal (*Jason Larson*); on December 12, 2023, reviewed and consulted on a proposed order denying the State's motion to dismiss in another non-capital post-conviction relief action (*Michael Richardson*); on December 14, 2023, prepared and filed a status report in a non-capital federal habeas action (*LaShawn Brannon*), which counsel also updated the following day, December 15, 2023; prepared for and attended the continuation of a capital post-conviction relief hearing held in York County (*Ricky Blackwell*); on December 18, 2023, completed and filed a response to motion for stay of execution in a capital federal habeas corpus action (*Andre Torres*), and also completed and filed a reply to objections in a non-capital federal habeas corpus action that same day (*Demetrius Glenn*). Further, counsel aided in the drafting and completion of a response to stay proceedings in a capital federal habeas corpus action appeal in the Fourth Circuit Court of Appeals filed on December 20, 2023 (*Steven Bixby*); completed, circulated and submitted proposed orders of dismissals in other non-capital PCR actions (*Steven Williams, Marquel Griffin, Demond Burgess, Corina Castor, Robert Moore*); and prepared proposed final orders of dismissal in several other non-capital PCR actions (*Rodrick Johnson; Kenneth Rivera; Charles Stokes; Antonio Calloway; Orlando Parker*). Counsel also has reviewed matters for a mandatory brief in opposition to be filed on or before January 22, 2024, in the Supreme Court of the United States in a capital case (*Timothy Ray Jones, Jr.*). This is in addition to continuing to prepare for various hearings and other matters scheduled for January 2024, including a non-capital post-conviction relief term in Greenville County.

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.

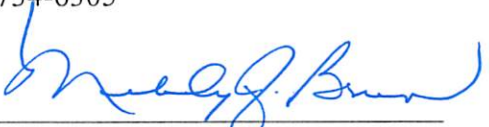
Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General


MELODY J. BROWN
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By: 
MELODY J. BROWN
ATTORNEYS FOR RESPONDENT

January 3, 2024.

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, January 3, 2024 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 4th day of January, 2024.

s/ Angela Brown

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