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Jan 04 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
The Honorable Perry H. Gravely, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

SOSA MANDIEZ CROFT,

APPELLANT.

Appellate Case No. 2022-001771

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

The undersigned counsel would respectfully request a THIRD 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 January 31, 2024. In support of this motion, counsel would respectfully show the Court the following circumstances:

Respondent's Initial Brief and Designation of Matter is due to be filed tomorrow, January 5, 2024. The undersigned attorney has had a number of state, and federal matters to attend to since December 5, 2023. Specifically:

1. 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;

2. Counsel also prepared for and attended 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, on Wednesday, December 13, 2023 before the South Carolina Supreme Court;

3. Counsel 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;

4. Counsel filed the Respondent's Reply to Petitioner's Objections to the Report and Recommendation [ECF #42] in the matter of Marvin Bowens Green, #346650, aka Marvin Bowens-Green #346650 vs. Tanya James, C/A No. 4:22-4291-TLW on December 18, 2023;

5. Counsel filed the Respondent's Reply to Objections to the Report and Recommendation in the matter of George S. Branham, II vs. Bryan Stirling, Director, South Carolina Department of Corrections; Shane Jackson, Warden, Lee Correctional Institution, C/A No. 0:23-745-SAL, also on December 18, 2023;

6. Counsel filed the Respondents-Appellees' Response in Opposition to Stay of Proceedings in the capital matter of Steven Vernon Bixby vs. Bryan P. Stirling, Commissioner, South Carolina Department of Corrections; Lydell Chestnut, Deputy Warden of Broad River Correctional Institution Secure Facility, No. 22-4, an Abbeville County capital matter now pending in the United States Court of Appeals for the Fourth Circuit, on December 20, 2023;

7. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Anthony Jones vs. S. Jackson, Warden, C/A No. 5:23-cv-4879-TMC-KDW on December 27, 2023;

8. Counsel is currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Chris Anthony Liverman vs. SC Dept. of Corrections, C/A No.: 9:23-03205-JD-MHC; and

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

WHEREFORE, for the following circumstances, counsel respectfully requests a THIRD 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 February 5, 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

January 4, 2024.

W. JOSEPH MAYE
ATTORNEYS FOR RESPONDENT

I support the finding of extraordinary circumstances.

By: 

MELODY J. BROWN,
Senior Assistant Deputy Attorney General

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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 Third Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Breen Stevens, Esq., via email today, January 4, 2024 to BStevens@sccid.sc.gov and to his assistant at sleverett@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/ 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