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Feb 02 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 February 29, 2024. This is a fifth request for an extension. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of matter are due today, February 2, 2024, according to this Court's Order dated January 10, 2024, granting Respondent's fourth extension request. In addition to working on this appeal, the undersigned attorney for Respondent has had a number of state and federal matters to attend since January 3, 2024, that have hampered progress on the brief. Specifically, counsel: prepared and filed a reply to response in opposition to motion to dismiss in a federal habeas corpus case, and in that same case, prepared and filed responses

opposing discovery and appointment of counsel, and a notice of filing (an additional state court record) (*James McClurkin*); prepared and filed a reply to objections in another federal habeas corpus action (*Gene Tony Cooper*); prepared and filed a reply to objections in another federal habeas corpus action (*Terrell McCoy*); prepared and filed status reports in three capital federal habeas corpus actions (*James Robertson; Anthony Woods; Bobby Wayne Stone*); completed and filed a return and memorandum of law in support of motion for summary judgment, a motion for summary judgment, an amended return and a motion to strike in another capital federal habeas corpus action (*William Dickerson*); prepared for and participated in a status conference for a new trial motion hearing, reviewed a proposed order for testing, and reviewed and consulted on a proposed order for discovery (*Charles Wakefield*); reviewed and edited the State's petition for writ of certiorari in a non-capital PCR action (*Storm McCarty*); prepared for and participated in a non-capital PCR evidentiary hearing in Greenville County (*Jeremy Alan Watson*); prepared for and attending a status and scheduling conference in a successive capital PCR action (*Gary Terry*); completed and filed a mandatory brief in opposition in the Supreme Court of the United States in a capital case on direct appeal review (*Timothy Ray Jones, Jr.*); prepared and submitted a proposed order denying Rule 59 motion in a non-capital PCR action (*Korey Love*); prepared and filed a response in opposition to a Rule 59 motion in a non-capital PCR action (*Charles Richey*); prepared and filed a return and motion for summary judgment in a non-capital federal habeas corpus action (*Kenneth Rivera*); prepared and submitted proposed orders of continuance in 3 non-capital PCR actions (*Daniel Perry; Elijah Thomas; Adam Byrum*); and, in addition, has been reviewing pending non-capital PCR actions for returns, and preparing a proposed order in one of the non-capital PCR actions listed above (*Watson*). 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

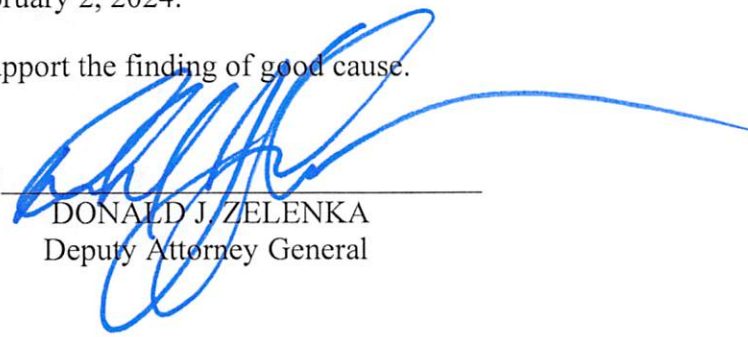
MELODY J. BROWN
Senior Assistant Deputy Attorney General
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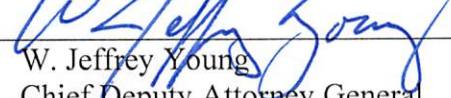
By: 
for MELODY J. BROWN
ATTORNEYS FOR RESPONDENT

February 2, 2024.

I support the finding of good cause.

By: 
DONALD J. ZELENKA
Deputy Attorney General

I support the filing of good cause.

By: 
W. Jeffrey Young
Chief 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, February 2, 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 2nd day of February, 2024.

s/ Angela Brown

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