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Mar 04 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Darlington County  
The Honorable Roger E. Henderson, Circuit Court Judge

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THE STATE,

Respondent,

v.

ERIC ANTON GRAHAM,

Appellant.

Appellate Case No. 2023-000160

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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 April 3, 2024 in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. Opposing counsel has graciously consented to all requests through March 31, 2024. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of Matter is due today, Monday, March 4, 2024 as per this Court's Order dated February 7, 2024 granting Respondent's second extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since February 7, 2024. Specifically,

1. Counsel completed and filed the *Motion for Summary Judgment*, and *Return and Memorandum of Law in Support of Motion Summary Judgment* in the matter of Joey Lynn Clark vs. Warden Broad River Correctional Institution, C/A No. 8:23-cv-06175-JDA-PJG on February 6, 2024, a matter pending in the District Court;
2. Counsel completed and filed the *Return to Petition for Writ of Certiorari* on February 12, 2024, in the matter of The State v. Michael Tirrell Means, Appellate Case No. 2021-000752, a matter pending in the South Carolina Supreme Court;
3. Counsel completed and filed the *Initial Brief of Respondent* and *Designation of Matter* on February 20, 2024, in the case of The State v. Justin Tyler Ellaree Hopkins, a murder appeal from Lexington County, Appellate Case No. 2022-001567, a matter pending in this Court;
4. Counsel completed and filed the *Initial Brief of Respondent* and *Designation of Matter* on February 21, 2024, in the case of The State v. Quinton Maurice Collins, a murder appeal from Clarendon County, Appellate Case No. 2023-000366, a matter pending in this Court;
5. Counsel completed and filed the *Motion for Summary Judgment*, and *Return and Memorandum of Law in Support of Motion Summary Judgment* in the matter of Dominic A. Gallman, SCDC #00234627 vs. Bryan Stirling, Commissioner South Carolina Department of Corrections, and Kenneth Nelson, Warden, Broad River Correctional Institution, C/A No. 2:23-cv-5560-SAL-MGB on February 26, 2024, a matter pending in the District Court;
6. Counsel completed and filed the *Final Brief* and *Certificate of Compliance* on February 26, 2024, in the matter of The State v. Larry Ja Juan Scipio, Appellate Case No. 2022-000949, a murder appeal from Florence County, pending in this Court;

7. Counsel attended an Intellectual Disability Evaluation Interview and continues preparation for a June Hearing on the issue of intellectual disability in the matter of Gary Dubose Terry v. State of South Carolina, Case No. 2022-CP-32-00924.

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 March 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.

March 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, Lara M. Caudy, via email today, March 4, 2024 to [LCaudy@sccid.sc.gov](mailto:LCaudy@sccid.sc.gov), and to her assistant, Sarah McInnis, to [SMcInnis@sccid.sc.gov](mailto:SMcInnis@sccid.sc.gov).

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

This 4th day of March 2024.

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

## Brandy Rankin

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**From:** Brandy Rankin  
**Sent:** Monday, March 4, 2024 1:14 PM  
**To:** Caudy, Lara  
**Cc:** smcinnis@sccid.sc.gov; Tommy Evans, Jr.  
**Subject:** The State v. Eric Anton Graham - Appellate Case No. 2023-000160 - Third Motion for Extension to file Initial Brief and Designation of Matter.  
**Attachments:** Third Motion for Extension to file Initial Brief and Designation of Matter and Proof of Service, 3-4-24, Graham (03519375xD2C78).pdf  
**Follow Up Flag:** Worldox

Dear Ms. Caudy,

Please find attached the Respondent's third motion for extension in which to file the Initial Brief and Designation of Matter. Also included is the Proof of Service. These documents will be filed with the South Carolina Court of Appeals, today, March 4, 2024 along with a copy of this email. Thank you in advance for your assistance.

Sincerely,  
*Brandy Rankin*

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



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