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Mar 04 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 final 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 March 30, 2024. This is the sixth 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, March 4, 2024, according to this Court's Order dated February 7, 2024, granting Respondent's fifth 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 February 2, 2024, that have hampered progress on the brief. Specifically, counsel has, in the last thirty days: prepared and submitted a proposed order of dismissal in a PCR matter and also reviewed and submitted argument on

proposed changes (*Jeremy Watson*); prepared and attended a status and scheduling conference in a capital PCR matter, and also continued in hearing preparation for a June hearing on intellectual disability (*Bobby Wayne Stone*); prepared for and presented oral argument in a non-capital PCR appeal in this Court (*Jerald Gaskins*); reviewed a state's appeal pending in this Court (*Michael Hutson*); prepared and filed a motion to reconsider a discovery order in a general sessions motion for a new trial, and reply to the response in opposition, and also prepared and filed a motion to stay time limits and a proposed order granting the State's motion to stay time limits of the discovery order (*Charles Wakefield*); reviewed and added to an initial brief of respondent filed in this Court in another non-capital murder direct appeal (*Brian Redding*); prepared and filed a reply to the response in opposition to the Warden's motion to strike in a capital federal habeas action (*William Dickerson*); prepared and filed a motion to dismiss due to inmate's death in a non-capital federal habeas action (*Trey Brown*); prepared and filed in the Supreme Court of South Carolina a letter response to an original jurisdiction petition (*Jerome Long*); prepared and filed a supplement to reply in a non-capital federal habeas corpus action (*James McClurkin*); prepared and filed several returns in non-capital PCR actions (*Tristan Cummings; Jahru Smith; Matthew Bryan; Vernon Jordan; Ronald Downs; Bradford Williams*); and returns with motions to dismiss and proposed conditional orders in two others (*Patrick Scott; Quasean Marshall*); along with a motion to strike substantive matters by one of the applicants listed who is currently represented by counsel (*Jahru Smith*). Respondent also completed a draft of a proposed order of dismissal in another non-capital PCR action and submitted same to opposing counsel for initial review prior to submission to the PCR judge (*Jakobe German*); and is completing a return to a petition for writ of certiorari in a non-capital murder direct appeal which is currently due to be filed today in the Supreme Court of South Carolina (*Rashawn Little*). Respondent has also

continued to review transcripts and filings in the instant matter, substantially completed the necessary research, and has worked on a draft of the initial brief. The brief has not, however, been completed. As demonstrated, counsel's involvement in these and other matters has prevented counsel from timely completing the brief for filing.

2. Cognizant of the time requested at this stage of the proceedings, counsel will continue work on the draft and anticipates no further extensions will be necessary.

3. This request is made from necessity and not for the purpose of simple delay.

WHEREFORE, counsel respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter.

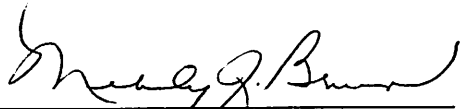
Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General
S.C. Bar No: 14244

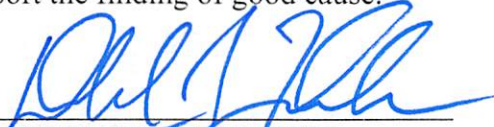
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(803) 734-6305

By: 
MELODY J. BROWN
ATTORNEYS FOR RESPONDENT


March 4, 2024.

[signatures in support of motion to follow]

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, March 4, 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 March, 2024.

s/ Angela Brown

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