

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

THE STATE,

Respondent,

v.

ERIC ANTON GRAHAM,

Appellant.

Appellate Case No. 2023-000160

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

The undersigned counsel would respectfully request a thirty (30) day extension up to and including May 29, 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 April 30, 2024. Due to a clerical error this extension request is being filed late and we offer our sincere apologies and respectfully ask that the Court accept this extension out-of-time. In support of this motion, counsel would respectfully show the Court the following:

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since March, 2024. Specifically,

1. Counsel prepared and filed the Respondent's Return and Motion to Dismiss and the Proposed Conditional Order of Dismissal on April 10, 2024 in the matter of Loras Leroy Rowan, #222144 v. State of South Carolina, C/A No. 2018-CP-23-4978, a matter pending in the Circuit Court;

2. Counsel prepared and filed the Respondent's Return and Motion to Dismiss and the Proposed Conditional Order of Dismissal on April 10, 2024 in the matter of James Lynch, III, #244917 v. State of South Carolina, C/A No. 2018-CP-23-5660, a matter pending in the Circuit Court

3. Counsel completed and filed the *Final Brief and Certificate of Compliance* on April 11, 2024, in the matter of The State v. Quinton Maurice Collins, Appellate Case No. 2022-000671, a murder appeal from Pickens County, pending in this Court;

4. Counsel prepared and filed the Respondent's Return and Motion to Dismiss and the Proposed Conditional Order of Dismissal on April 12, 2024 in the matter of Troy Lee Kilgore, #293925 v. State of South Carolina, C/A No. 2018-CP-23-4977, a matter pending in the Circuit Court;

5. Counsel completed and filed the *Motion for Summary Judgment, and Return and Memorandum of Law in Support of Motion Summary Judgment* on April 12, 2024, in the matter of Miguel Urena SCDC# 354385 v. Shane Jackson, Warden Lee Correctional Institution, C/A No. 5:23-cv-05202-JD-KDW, a matter pending in the District Court;

6. Pursuant to the Order of the Honorable Mary Geiger Lewis Counsel completed and filed the *Supplemental Reply to Petitioner's Objections to Report and Recommendation* on April 25, 2024, in the case of Christopher L. Hampton, 3314697 v. Kenneth Nelson, Warden, C/A No. 1:21-cv-1377-MGL-SVH a matter pending in the District Court;

7. Counsel attended an Intellectual Disability Evaluation on April 25, 2024, and continues preparation for a June Hearing (now re-scheduled to July) 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 April 30, 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

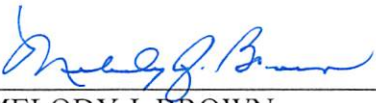
TOMMY EVANS, JR.
Assistant Attorney General
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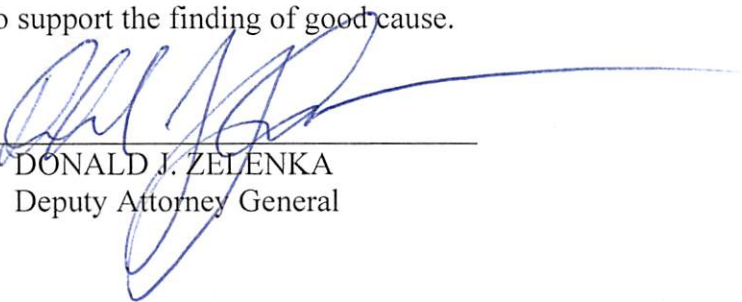
By: s/Tommy Evans, Jr.
Tommy Evans, Jr.

April 29, 2024.

I support the finding of good cause.

By: 
MELODY J. BROWN
Senior Assistant Deputy Attorney General

I too support the finding of good cause.

By: 
DONALD J. ZELENKA
Deputy Attorney General

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Apr 29 2024

SC Court of Appeals

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PROOF OF SERVICE

I, Tommy Evans, Jr., hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Respondent's fourth Motion for Extension and Proof of Service have been forwarded to Appellant's counsel, Lara M. Caudy, via email today, April 29, 2024 to LCaudy@sccid.sc.gov, and to her assistant, Sarah McInnis, to SMcInnis@sccid.sc.gov.

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

This 29th day of April 2024.

s/Tommy Evans, Jr.

Tommy Evans, Jr.

Assistant Attorney General