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May 22 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Laurens County
The Honorable Donald B. Hocker, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

ANTONE B. ELLIS TREMAYNE BLAKELY,

APPELLANT.

Appellate Case No. 2023-000721

**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 May 31, 2024. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

Respondent's Initial Brief and Designation of Matter is due to be filed today, Wednesday, May 22, 2024. The undersigned attorney has had a number of state, and federal matters to attend to since April 19, 2024. Specifically:

1. Counsel filed the Respondent's Reply to Objections to the Report and Recommendation [ECF #58] in the matter of James C. Whaley vs. Nick Gallam, 4:23-cv-2473-JDA-TER on April 25, 2024;

2. Counsel also filed the Reply to Response in Opposition to Motion for Summary Judgment [ECF #46] in the matter of Darrell L. Goss vs. Shane D. Jackson, 2:23-cv-722-BHH-MGB on April 25, 2024;

3. Counsel appeared for oral argument on behalf of the State in the South Carolina Supreme Court in the matter of The State vs. Devin Jamel Johnson, Appellate Case No. 2023-000131, a Charleston County murder appeal matter on Thursday, May 2, 2024;

4. Counsel filed the Respondent's Response to Motion to Expedite [ECF #45] in the matter of Darrell L. Goss, #305517 vs. Shane D. Jackson, C/A No. 2:23-00722-BHH-MGB, also on May 2, 2024;

5. Counsel filed the Respondent's Response in Opposition to Applicant's Rule 59(e) motion in the matter of Patrick B. Walker, #296176 vs. State of South Carolina, 2022-CP-23-1759 on May 6, 2024; counsel has also drafted and submitted the proposed Amended Order of Dismissal in this matter;

6. Counsel also appeared for oral argument on behalf of the State in the matter of The State vs. Michael C. Barclay, Appellate Case No. 2021-000976, a Florence County murder appeal matter now pending in the South Carolina Court of Appeals. Said argument took place on Wednesday, May 8, 2024;

7. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #62] 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-PJG on May 13, 2024;

8. Counsel is also preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Troy Hunter vs. Levern Cohen, Warden of Ridgeland Correctional Institution, C/A No. 4:24-cv-547-DCN-TER. Same is to be filed on May 29, 2024; 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 June 21, 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

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By: s/W. Joseph Maye
W. JOSEPH MAYE

May 22, 2024.

ATTORNEYS FOR RESPONDENT

I support the finding of extraordinary circumstances.

By: _____

MELODY J. BROWN
Senior Assistant Deputy Attorney General

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APPELLANT.

Appellate Case No. 2023-000721

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 R. Stevens, Esq., via email today, May 22, 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 22nd day of May, 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
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Donna D'Alessio

From: Donna D'Alessio
Sent: Wednesday, May 22, 2024 12:08 PM
To: bstevens@sccid.sc.gov; Leverett, Scott
Subject: Blakely, Antone B. E.T. - Appellate Case No. 2023-000721 - Motion for Third Extension of Time to file Initial Brief of Respondent
Attachments: Blakely, Antone B.E.T. - Appellate Case No. 2023-000721 - Motion for Third Extension of time to file IBOR 5-22-24 (03586015xD2C78).pdf

Dear Mr. Stevens:

Attached is the Respondent's Motion for Third Extension of Time to file Initial Brief of Respondent regarding the above matter. Same will be filed with the South Carolina Court of Appeals today.

Thank you.

Donna D'Alessio,
Legal Assistant
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