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May 24 2024

SC Court of Appeals

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 FIFTH 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 June 28, 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 May 31, 2024. 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 in the last month. Specifically,

1. Pursuant to the Text Order of the Honorable Mary Geiger Lewis, Counsel filed the *Supplemental Reply to Petitioner's Objections to Report and Recommendation* on April 25,

2024, in the matter of Christopher L. Hampton, #314697 v. Kenneth Nelson, Warden, C/A No. 1:21-cv-1377-MGL-SVH a matter pending in the District Court;

2. 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.

3. Counsel prepared and filed the *Reply to Response to Motion for Summary Judgment*, on May 2, 2024, in the matter of Miguel Urena v. Shane Jackson, Warden Lee Correctional Institution, C/A No. 5:23-cv-05202-JD-KDW, a matter pending in the District Court;

4. Counsel is continuing to work on and prepare for an *Evidentiary Hearing* initially scheduled for the week of June 10, 2024, now scheduled for July 29, 2024, regarding Intellectual Disability in the matter of Bobby Wayne Stone v. Bryan P. Stirling, Commissioner South Carolina Department of Corrections, and Lydell Chestnut, Deputy Warden, Broad River Correctional Institution. Specifically, Counsel conducted a Deposition of Dr. Michael Vitacco in the above matter on May 10, 2024 @ 11:00 am, a matter pending in the Circuit Court;

5. Counsel prepared and litigated in Post Conviction Relief hearings on Tuesday, May 14, 2024, in Greenville, South Carolina for the following cases: (a) Sheldon A. Brown v. The State, Case 2022-CP-23-2311; (b) Daniel Perry v. The State, Case 2021-CP-23-3701; (c) Christopher Kennan v. The State, Case 2022-CP-23-568; (d) Adam Byrum v. The State, Case 2021-CP-23-4035; (e) Melvin Wingate v. The State, Case 2022-CP-23-1277; (f) Miranda Graham v. The State, Case 2022-CP-39-1061, matters pending in the Circuit Court;

6. Counsel prepared and litigated in a Post Conviction Relief hearing on Wednesday, May 15, 2024, in Greenville, South Carolina for the following case: Keldrekus Oglesby v. The State, case 2020-CP-23-542;

7. Counsel completed and filed the *Motion for Summary Judgment and Return and Memorandum of Law in Support of Motion Summary Judgment* on May 22, 2024, in the matter of K. C. Langford vs., Donnie Stonebreaker, Jr. Warden, Evans Correctional Institution, C/A No. 9:20-cv-1298-DCC-BM, a matter pending in the District Court.

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

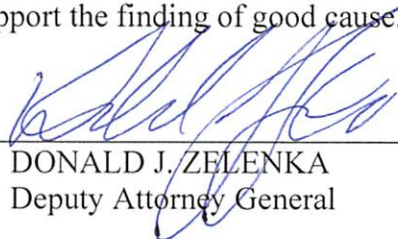
MELODY J. BROWN
Senior Assistant Deputy Attorney General

TOMMY EVANS, JR.
Assistant Attorney General
No. 7448

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Columbia, South Carolina 29211
(803) 734-6305

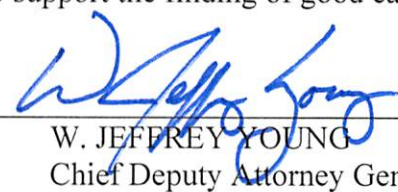
By: s/Tommy Evans, Jr.
Tommy Evans, Jr.

I support the finding of good cause.

By: 

DONALD J. ZELENKA
Deputy Attorney General

I too support the finding of good cause.

By: 

W. JEFFREY YOUNG
Chief Deputy Attorney General

May 24, 2024.

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Appellate Case No. 2023-000160

PROOF OF SERVICE

I, Tommy Evans, Jr., hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Respondent's fifth Motion for Extension and Proof of Service have been forwarded to Appellant's counsel, Joanna K. Delany, via email today, May 24, 2024 to JDelany@sccid.sc.gov, and to her assistant, Kaylynn Warren, to KWarren@sccid.sc.gov.

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

This the 24th day of May 2024.

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

Brandy Rankin

From: Brandy Rankin
Sent: Friday, May 24, 2024 8:28 AM
To: Delany, Joanna
Cc: Warren, Kaylynn; Tommy Evans, Jr.
Subject: Eric Anton Graham - 5th Motion for Extension to file Initial Brief & Designation of Matter - Appellate Case No. 2023-000160
Attachments: Graham.Eric - Fifth Extension to file Initial Brief Designation of Matter, Proof of Service, 5-24-24 (03587687xD2C78).pdf
Follow Up Flag: Worldox

Dear Ms. Delany,

Please find attached the Respondent's Fifth Motion for Extension in which to file the Initial Brief & Designation of Matter in the above captioned case. This Motion will be filed with the South Carolina Court of Appeals today, May 24, 2024 along with a copy of this email. Thank you. Have a great Holiday weekend!

Sincerely,
Brandy Rankin

Brandy Rankin, Legal Assistant to Tommy Evans, Jr.
Office of the Attorney General
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803-734-6305



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