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May 28 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County
The Honorable D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

QUINTERRIS JAVON CARMICHAEL,

APPELLANT.

Appellate Case No. 2023-000162

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

The undersigned counsel would respectfully request a FOURTH 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, Tuesday, May 28, 2024. The undersigned attorney has had a number of state, and federal matters to attend to since April 25, 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 tomorrow, May 29, 2024;

9. Counsel has also reviewed the Final Brief of Respondent in the matter of The State vs. Sosa M. Croft, Appellate Case No. 2022-001771, a Greenville County murder, armed robbery appeal now pending in the South Carolina Court of Appeals. Same will be filed today, May 28, 2024; and

10. Counsel has been involved in working **on other matters in state and federal court.**

WHEREFORE, for the following extraordinary circumstances, counsel respectfully requests a FOURTH 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 27, 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
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By: s/W. Joseph Maye
W. JOSEPH MAYE

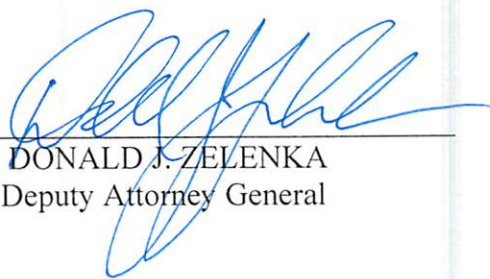
May 28, 2024.

ATTORNEYS FOR RESPONDENT

I hereby support the finding of extraordinary cause.

By: 
MELODY J. BROWN
Senior Assistant Deputy Attorney General

I further support the finding of extraordinary cause.

By: 
DONALD J. ZELENKA
Deputy Attorney General

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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 Fourth Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Joanna K. Delany, Esq., via email today, May 28, 2024 to jdelany@sccid.sc.gov and to her assistant at kwarren@sccid.sc.gov.

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

This 28th day of May, 2024.

s/ Donna D'Alessio

Donna D'Alessio, Legal Assistant to
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Assistant Attorney General
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