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Jun 13 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
The Honorable G.D. Morgan, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

v.

RANDY DEAN GRAINGER,

APPELLANT.

Appellate Case No. 2023-000598

**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 June 30, 2024. In support of this motion, counsel would respectfully show the Court the following circumstances:

Respondent's Initial Brief and Designation of Matter is due to be filed on Monday, June 17, 2024. The undersigned attorney has had a number of state, and federal matters to attend to since May 13, 2024. Specifically:

1. 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;

2. Counsel 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 was filed on May 28, 2024;

3. Counsel filed the Respondent's Response in Opposition to Petitioner's Motion to Strike [ECF #62] in the matter of James C. Whaley, #1001117 a/k/a James C. Whaley, #357132 vs. Nick Gallam, C/A No. 4:23-02473-JDA on May 29, 2024;

4. Counsel filed 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 on May 29, 2024. Counsel also filed a Motion to Strike in this matter on May 29, 2024;

5. Counsel filed the Respondent's Reply to Objections to Report and Recommendation [ECF #52] in the matter of Darrell L. Goss, #305517 vs. Shane D. Jackson, C/A No. 2:23-00722-BHH on June 6, 2024;

5. Counsel prepared and filed the Initial Brief of Respondent in the matter of The State vs. Ray L. Kelly, Appellate Case No. 2022-001449, a murder appeal currently pending in the South Carolina Court of Appeals on June 12, 2024; and

6. 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 July 17, 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

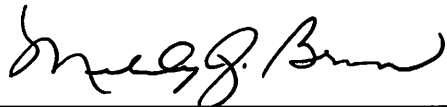
W. JOSEPH MAYE
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By: s/W. Joseph Maye
W. JOSEPH MAYE
ATTORNEYS FOR RESPONDENT

June 13, 2024.

I support the finding of good cause.

By: 
MELODY J. BROWN,
Senior Assistant 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 Third Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Lara M. Caudy, Esq., via email today, June 13, 2024 to lcaudy@sccid.sc.gov and to her assistant at smcinnis@sccid.sc.gov.

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

This 13th day of June, 2024.

s/ Donna D'Alessio

Donna D'Alessio, Legal Assistant to
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