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Jul 15 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Charleston County
The Honorable Deadra L. Jefferson, Circuit Court Judge

THE STATE,

Respondent,

v.

MARVIN DONTE BRYAN,

Appellant.

Appellate Case No. 2017-001468

**MOTION FOR THIRD 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 August 16, 2024, in which to file the Brief of Respondent and Designation of Matter in the above-referenced case. Opposing counsel has graciously consented to all extension requests through July 31, 2024. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Brief is due Wednesday, July 17, 2024, as per this Court's Order dated June 18, 2024, granting Respondent's second extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend to since June 18, 2024. Specifically,

1. Counsel is continuing to work on and prepare for an *Evidentiary Hearing* scheduled for the week of 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, a matter pending in the Circuit Court;

2. Counsel filed the Initial Brief and Designation of Matter on June 20, 2024, in the matter of The State v. Eric Graham, Appellate Case No. 2023-000160, a matter pending in this Court;

3. Counsel filed the *Reply to Response in Opposition to Motion for Summary Judgment* in the Federal Habeas case K. C. Langford v. Donnie Stonebreaker, Jr., Warden Evans Correctional Institution on June 26, 2024, a matter pending in the District Court.

4. Counsel filed the Initial Brief and Designation of Matter, on July 3, 2024, in the matter of The State v. Reno Rodreigus Blakely, Appellate Case No. 2023-000218, a matter pending in this Court;

5. Counsel filed the *Respondent's Reply to the Response in Opposition to Motion for Summary Judgment* [ECF #32] and *Certificate of Service* on April 24, 2023, in the matter of Curtis T. Johnson, #337543 v. Warden, Allendale Correctional Institution, C/A No. 8:22-cv-03583-TMC-JDA, a Federal Habeas pending in the District Court;

6. Counsel filed the Return and Memorandum of Law in Support of Summary Judgment and Motion for Summary Judgment in the matter of Derrick Fishburne v. Lavern Cohen on July 8, 2024, C/A No. 0:24-CV-01210-JD-PJD, a matter pending in the District Court;

7. Counsel conducted a Deposition on July 11, 2024, of Dr. Stephen Greenspan in the capital matter of Gary Dubose Terry v. State of South Carolina, C/A No. 2022-CP-32-0924, a matter pending in the Circuit Court;

8. Counsel prepared and filed with the Sumter County Clerk of Court the Respondent's *Motion for Date Certain Determination for Finalizing Discovery & Proof of Service* on July 12, 2024, in the matter of Bobby Wayne Stone v. State of South Carolina;

9. Counsel prepared and filed with the Sumter County Clerk of Court the Respondent's *Response to Applicant's Motion to Compel Discovery & Proof of Service* on July 12, 2024, in the matter of Bobby Wayne Stone v. State of South Carolina;

WHEREFORE, counsel respectfully requests a 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.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

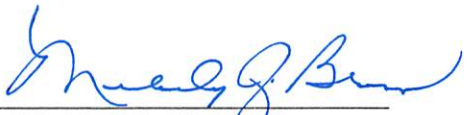
TOMMY EVANS, JR.
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(803) 734-6305

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

[signature page continued next page]

July 15, 1024.

I support the finding of good cause

By: 

MELODY J. BROWN

Senior Assistant Deputy Attorney General

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PROOF OF SERVICE

I, Tommy Evans, Jr., as 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, Designation of Matter, and Proof of Service have been forwarded to Appellant's counsel, Joanna K. Delany, Esq., via email today, July 15, 2024 to JDelany@sccid.sc.gov , and Ms. Delany's Legal Assistant, to Kaylynn Warren, KWarren@sccid.sc.gov .

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

This 15th day of July 2024.

s/Tommy Evans, Jr.
Tommy Evans, Jr.
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

Brandy Rankin

From: Brandy Rankin
Sent: Monday, July 15, 2024 1:07 PM
To: Delany, Joanna
Cc: Warren, Kaylynn; Tommy Evans, Jr.
Subject: Third Extension to file Initial Brief & Designation of Matter - The State v. Marvin Donte Bryan - Appellate Case No. 2017-001468
Attachments: Bryan.Marvin - Third Extension to file Initial Brief and Designation of Matter, Proof of Service, 7-15-24 (03634735xD2C78).pdf
Follow Up Flag: Worldox

Dear Ms. Delany,

Please find attached the Respondent's third extension request to file the Initial Brief & Designation of Matter. Also attached is the Proof of Service. These documents will be filed today, July 15, 2024 with the SC Court of Appeals along with a copy of this email. Thank you!

Sincerely,
Brandy Rankin

Brandy Rankin, Legal Assistant
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