

RECEIVED

Jul 16 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 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 July 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 tomorrow, July 17, 2024. The undersigned attorney has had a number of state, and federal matters to attend to since June 14, 2024. Specifically:

1. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Quoteas Nesbitt vs. Warden of Ridgeland Correctional Institution, C/A No. 5:24-cv-316-BHH-KDW on June 20, 2024;
2. Counsel also filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of David Andrew Bowers vs. Warden William Langdon, III, . 0:24-cv-287-JD-PJG on June 24, 2024;
3. Counsel filed the Respondent's Response in Opposition to Petitioner's Motions [ECF #s 65, 66 & 67) 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 June 25, 2024;
4. Counsel filed the Respondent's Return to the Fifth Amended PCR Application in the Lexington County capital PCR matter of Norman Starnes vs. The State of South Carolina, C/A No. 2011-CP-32-830 on July 1, 2024;
5. Counsel filed the Respondent's Response in Opposition to Motion for Evidentiary Hearing and Appointment of Counsel [ECF #45] in the matter of Earnest Vaughn vs. Warden Turbeville Correctional Institution, C/A No. 6:23-04220-TLW-KFM on July 8, 2024;
6. Counsel also filed the Respondent's Objection to Report and Recommendation in the matter of Chris Anthony Liverman vs. South Carolina Department of Corrections, Warden of Tallahatchie County Correctional Facility, C/A No. 9:23-3205-JD also on July 8, 2024;
7. Counsel is currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Joseph Elijah Mills, #376644 vs. Warden Cohen, C/A No. 4:24-cv-963-MGL-TER and same is ready for filing tomorrow, July 17, 2024;
8. Counsel filed a Status Report in the matter of Abdiyyah Ben Alkebulanyahh vs. William R. Byars, Jr., Commissioner SCDC, and Brian Kendall, Warden of Lieber Correctional

Institution, No. 15-3, a capital federal habeas matter now pending in the United States Court of Appeals for the Fourth Circuit on Monday, July 15, 2024;

9. Counsel has prepared the Amended Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Aryee Henderson vs. Warden Shane Jackson, C/A No. 4:23-cv-3458-SAL-TER, as per ECF #48; 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 August 16, 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

Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211-1549  
(803) 734-6305


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

July 16, 2024.

I support the finding of extraordinary circumstances.

By:   
\_\_\_\_\_  
MELODY J. BROWN,  
Senior Assistant Deputy Attorney General

I further support the finding of extraordinary circumstances.

By:   
\_\_\_\_\_  
W. JEFFREY YOUNG,  
Chief Deputy Attorney General

**RECEIVED**

**Jul 16 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

---

**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, Lara M. Caudy, Esq., via email today, July 16, 2024 to [lcaudy@sccid.sc.gov](mailto:lcaudy@sccid.sc.gov) and to her assistant at [smcinnis@sccid.sc.gov](mailto:smcinnis@sccid.sc.gov).

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

This 16<sup>th</sup> day of July, 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  
(803) 734-6305