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Jul 17 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Hampton County
The Honorable Robert J. Bonds, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

WILLISTON L. OWENS,

APPELLANT.

Appellate Case No. 2023-000593

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

The undersigned counsel would respectfully request a SECOND 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, Thursday, July 18, 2024. The undersigned attorney has had a number of state, and federal matters to attend to since June 17, 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 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 July 15, 2024;

8. Counsel 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 on July 16, 2024;

9. Counsel prepared 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 will be filed today, July 17, 2024;

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 SECOND 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 19, 2024.

Respectfully Submitted,

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By: s/W. Joseph Maye
W. JOSEPH MAYE

July 17, 2024.

ATTORNEYS FOR RESPONDENT

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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 second 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 17, 2024 to jsaxon@sccid.sc.gov and to her assistant at cstock@sccid.sc.gov.

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

This 17th day of July, 2024.

s/ Donna D'Alessio

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