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Jul 23 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.

TIRIK JAQUAN JOHNSON-EPPS,

APPELLANT.

Appellate Case No. 2023-000179

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

The undersigned counsel would respectfully request a SIXTH 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, Wednesday, July 24, 2024. The undersigned attorney has had a number of state, and federal matters to attend to since June 20, 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 Monday, July 15, 2024;

8. Counsel filed 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 on July 17, 2024;

9. Counsel filed 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 18, 2024;

10. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #21] in the matter of Troy D. Hunter vs. Levern Cohen, Warden of Ridgeland Correctional Institution, C/A No. 4:24-cv-547-DCN-TER on July 19, 2024;

11. Counsel is currently preparing the Brief in Opposition in the capital matter of Steven Vernon Bixby vs. Bryan Stirling, No. 23-7641, a capital matter now pending in the United States Supreme Court and is due to be filed on Friday, August 2, 2024; and

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

WHEREFORE, for the following circumstances, counsel respectfully requests a SIXTH 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 23, 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

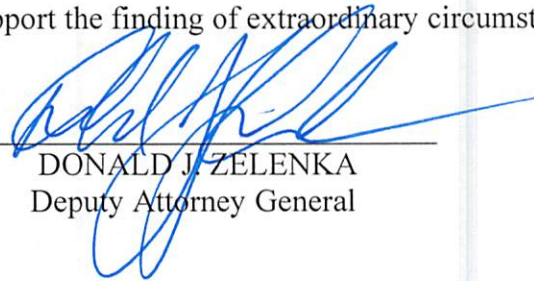
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-6305

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

July 23, 2024.

I support the finding of extraordinary circumstances.

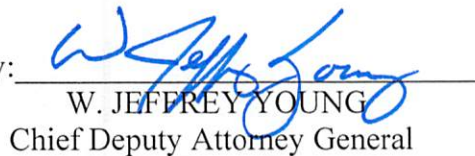
By:



DONALD J. ZELENKA
Deputy Attorney General

I further support the finding of extraordinary circumstances.

By:



W. JEFFREY YOUNG
Chief Deputy Attorney General

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Appellate Case No. 2023-000179

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 Sixth Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Robert M. Dudek, Esq., via email today, July 23, 2024 to RDudek@sccid.sc.gov and to his assistant at spollard@sccid.sc.gov.

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

This 23rd 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