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SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Greenville County  
The Honorable Perry H. Gravely, Circuit Court Judge

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THE STATE,

RESPONDENT,

v.

RAYMOND MARTINEZ, JR.,

APPELLANT.

Appellate Case No. 2023-001201

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

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The undersigned counsel would respectfully request a 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 August 31, 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 today, August 2, 2024. The undersigned attorney has had a number of state, and federal matters to attend to since July 3, 2024, including in several capital cases in various stages of litigation. Counsel notes the following work: prepared and submitted a proposed final order of dismissal in a non-capital PCR action (*Marcus Watts, July 10, 2024*); prepared returns and motions to dismiss and proposed conditional orders of dismissal in other non-capital PCR actions (*Charles Williams, July 2, 2024*; *Benjamin Case, July 2, 2024*; *Keith Desue, July 15, 2024*); reviewed and edited the final brief of

respondent in a non-capital murder direct appeal (*Channon Preston, July 8, 2024*); completed gathering substitutes for state court records and filed privileged matters *ex parte* and under seal in a capital federal habeas corpus action (*William Dickerson, July 9, 2024*); completed and filed a response brief in a capital case federal habeas action appeal in the Fourth Circuit (*Stephen Corey Bryant, July 10, 2024*); completed and file status reports in two capital case federal habeas actions (*James Robertson, July 15, 2024; Anthony Woods, July 15, 2024*); completed and filed in the federal district court a response to motion to stay execution in a capital case (*Stephen Stanko, July 15, 2024*); drafted and submitted letter responses to additional authority letters in two PCR capital cases (*Timothy Jones, July 15, 2024; John Richard Wood, July 15, 2024*); participated in a status conference in another capital PCR case (*Alkebulanyahh v. State, July 15, 2024*); prepared and filed a Response to Show Cause in a federal habeas action (*Jerome Curry, July 31, 2024*); and prepared and filed a pre-trial brief then participated in a capital PCR hearing held *July 17-18, 2024* in the Lexington County Courthouse on a claim of intellectual disability, and also prepared and submitted a short order for post-hearing briefing (*Gary Terry*); prepared and submitted a pre-trial brief then participated in another capital PCR hearing held *July 30-31, 2024* (*Bobby Wayne Stone*); prepared and filed briefing in support of dismissal in a non-capital federal habeas corpus action (*Jerome Curry, July 31, 2024*); prepared and filed a status report in another non-capital federal habeas corpus action (*Carnie Norris, August 1, 2024*); consulted with opposing counsel and agreed to substitution of an exhibit for a murder direct appeal (*Kierin Dennis, completed August 2, 2024*); prepared and filed a notice regarding similar case/pending issues for a capital case Fourth Circuit Court of Appeals federal habeas corpus appeal (*Stephen Corey Bryant, August 2, 2024*); and prepared and filed a reply to response in opposition to motion for summary judgment in a non-capital federal habeas corpus action (*Marion Frye, August 2, 2024*).

Due to counsel's involvement in these and other matters pending in state and federal court, and considering counsel's administrative responsibilities as supervisor for murder appeals, federal habeas corpus actions, and capital litigation, undersigned counsel has been unable to timely complete the Return in this proceeding and would request a thirty (30) day extension within which to do so.

This request is made in good faith, and not for the purpose of delay.

WHEREFORE, based on the foregoing, counsel for Respondent respectfully requests this Court allow the motion for extension to be filed out of time and to grant a thirty (30) day extension of time to serve and file the Return in this matter.

Respectfully Submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

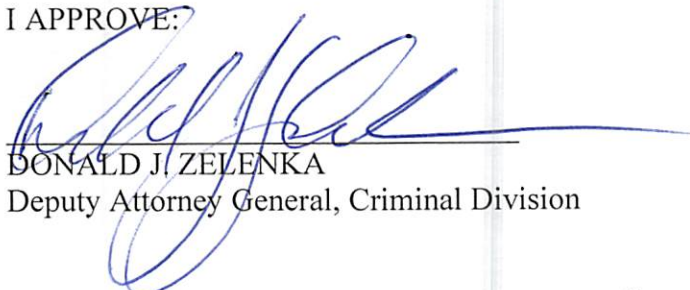
MELODY J. BROWN  
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By:   
MELODY J. BROWN  
ATTORNEYS FOR RESPONDENT

August 2, 2024

I APPROVE:

  
DONALD J. ZELENKA  
Deputy Attorney General, Criminal Division

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**PROOF OF SERVICE**

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I, **Donna D'Alessio**, an employee of the Respondent and legal assistant to Melody J. Brown, Esq., 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, Robert M. Dudek, via email today, August 2, 2024 to [RDudek@sccid.sc.gov](mailto:RDudek@sccid.sc.gov) and to his assistant at [kwarren@sccid.sc.gov](mailto:kwarren@sccid.sc.gov).

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

This 2<sup>nd</sup> day of August, 2024.

*s/ Donna D'Alessio*

Donna D'Alessio, Legal Assistant to  
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