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Aug 07 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
The Honorable Bentley Price, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

MICHAEL TIVEN BOLTON,

APPELLANT.

Appellate Case No. 2023-001327

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

The undersigned counsel would respectfully request a THIRD 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 Friday, August 9, 2024. The undersigned attorney has had a number of state, and federal matters to attend to since July 8, 2024. Specifically:

1. 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;

2. 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;

3. 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;

4. 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;

5. 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;

6. 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;

7. Counsel filed the Reply to Petitioner's Objections to the Report and Recommendation [ECF #34] 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 on July 24, 2024;

8. Counsel prepared and filed the Respondent's Motion and Memorandum to Prohibit Ex Parte Funding Requests and Orders in the Beaufort County capital Post-Conviction

Relief matter of Abidiyyah Ben Alkebulanyahh, #6012, a/k/a Tyree Roberts vs. State of South Carolina, C/A No. 2014-CP-07-2994 on July 25, 2024;

9. Counsel prepared 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 on August 2, 2024; 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 THIRD 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 September 9, 2024.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General
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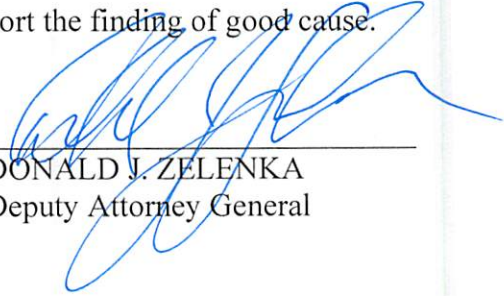
August 7, 2024.

ATTORNEYS FOR RESPONDENT

I support the finding of good cause.

By: _____

DONALD J. ZELENKA
Deputy Attorney General



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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 Third Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Gary Johnson, Esq., via email today, August 7, 2024 to gjohnson@sccid.sc.gov and to his assistant at kwarren@sccid.sc.gov.

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

This 7th day of August, 2024.

s/ Donna D'Alessio

Donna D'Alessio, Legal Assistant to
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