

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Aug 13 2024

Appeal from Richland County
The Honorable Robert E. Hood, Circuit Court Judge

SC Court of Appeals

THE STATE,

Respondent,

v.

GENARI MCNEIL,

Appellant.

Appellate Case No. 2023-000591

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

The undersigned counsel would respectfully request a thirty (30) day extension up to and including September 16, 2024, in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. Opposing counsel has graciously consented to all requests through August 31, 2024. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of Matter is due Friday, August 16, 2024, as per this Court's Order dated July 18, 2024, granting Respondent's second extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend to since July 2024. Specifically,

1. Counsel prepared for and participated in an *Evidentiary Hearing* held the week of July 29, 2024, regarding Intellectual Disability in the matter of Bobby Wayne Stone v. Bryan P. Stirling, Commissioner South Carolina Department of Corrections; Lydell Chestnut, Deputy Warden, Broad River Correctional Institution, a matter pending in the circuit court

2. Counsel prepared and filed with the Sumter County Clerk of Court the Respondent's *Motion for Date Certain Determination for Finalizing Discovery & Proof of Service* on July 12, 2024 in the matter of Bobby Wayne Stone v. State of South Carolina, pending in the Circuit Court;

3. Counsel prepared and filed with the Sumter County Clerk of Court the Respondent's *Response to Applicant's Motion to Compel Discovery & Proof of Service* on July 12, 2024, in the matter of Bobby Wayne Stone v. State of South Carolina, pending in the Circuit Court;

4. Counsel completed and filed the *Final Brief* and *Certificate of Compliance* on July 26, 2024, in the matter of The State v. Jeremy Savoy Cornish, Appellate Case No. 2022-001536, a murder appeal pending in this Court;

5. Counsel completed and filed the *Final Brief* and *Certificate of Compliance* on August 2, 2024, in the matter of The State v. Eric Anton Graham, Appellate Case No. 2023-000160, a murder appeal pending in this Court

6. Counsel is working on the Final Brief and Certificate of Compliance in the matter of The State v. Reno Rodreigus Blakely, Appellate Case No. 2023-000218, due August 14, 2024;

7. Counsel is working on the *Initial Brief* and *Designation of Matter* in the case of The State v. TyChristian Ladson, Appellate Case No. 2023-000372 which is on a Fifth Extension and is due August 16, 2024;

8. In light of these other work obligations, counsel has been unable to complete the Brief of Respondent in the captioned matter;

9. This request is not made for the purpose of simple delay but in light of the foregoing.

WHEREFORE, counsel respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief and Designation of Matter.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

TOMMY EVANS, JR.
Assistant Attorney General
No. 7448

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By: s/Tommy Evans, Jr.
Tommy Evans, Jr.

August 13, 2024.

I support the finding of good cause.

By: 
MELODY J. BROWN
Senior Assistant Deputy Attorney General

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PROOF OF SERVICE

I, Tommy Evans, Jr., hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Respondent's third Motion for Extension and Proof of Service have been forwarded to Appellant's counsel, Joanna Delany, Esquire, via email today, August 13, 2024 to JDelany@sccid.sc.gov, and to her assistant, Kaylynn Warren, to KWarren@sccid.sc.gov.

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

This is the 13th day of August 2024.

s/Tommy Evans, Jr.

Tommy Evans, Jr.

Assistant Attorney General