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Sep 03 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

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

THE STATE,

Respondent,

v.

RAYMOND MARTINEZ, JR.,

Appellant.

Appellate Case No. 2023-001201

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

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

Respondent's Initial Brief and Designation of matter are due today, September 3, 2024, according to this Court's Order dated August 5, 2024, granting Respondent's third extension request. Undersigned counsel for Respondent, however, has had a number of state and federal matters to attend since August 2, 2024. Notably, counsel has: consulted with opposing counsel and agreed to substitution of an exhibit for a murder direct appeal in this Court (*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); 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*); reviewed and edited the final brief of respondent in a non-capital murder direct appeal (*Maurice Singleton, August 5, 2024*); prepared and filed a motion to strike improper record on appeal and compel that filing of a record with matter as designated in a pending appeal in this Court (*Robert Earl Dillard, August 5, 2024*); prepared and filed motions for summary judgment and returns with memoranda of law in support of motion for summary judgment in two non-capital federal habeas corpus actions (*Curtis Elgin, August 5, 2024, Mark Blake, Jr., August 13, 2024*); consulted with opposing counsel and prepared a brief status report via email in a capital PCR action (*Timothy Jones, August 12, 2024*); prepared and filed a response in opposition to motion for relief from final judgment in a non-capital federal habeas corpus action (*Derrick Cheeks, August 15, 2024*); prepared and filed a petition for rehearing in a murder direct appeal (*Sebastian Kaisk, August 15, 2024*); prepared and filed a motion to hold time in abeyance for the return and further litigation in abeyance (pending determination on dismissal) in a federal habeas corpus action (*Jerome Curry, August 19, 2024*); prepared and filed a response in opposition to motion to direct or stay the issuance of execution dates at intervals of no less than 13 weeks (*Richard Moore et al., August 26, 2024*); prepared and filed a return to the expedited petition to construe or clarify (power of attorney for election of execution method) (*Freddie Owens, August 28, 2024*); prepared and filed a reply to objections to report and recommendation in a federal habeas corpus action (*Odom Bryant, August 29, 2024*); prepared and filed a status report in a federal habeas corpus action (*Carnie Norris, August 30, 2024*); and is currently drafting a response opposing a motion to stay the scheduled September 20, 2024 execution due to be filed before noon on Thursday, September 5, 2024 (*Freddie Owens*). Counsel has also completed substantial

work on a return in a capital case federal habeas corpus action which is currently due, with a 15-day extension received today, on September 18, 2024 (*Andres Torres*).

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, counsel has been unable to timely complete the Initial Brief of Respondent and Designation of Matter.

WHEREFORE, counsel respectfully requests a 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.

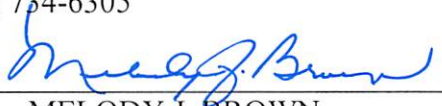
Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General


MELODY J. BROWN
Senior Assistant Deputy Attorney General
S.C. Bar No: 14244

Post Office Box 11549
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(803) 734-6305

By: 
MELODY J. BROWN
ATTORNEYS FOR RESPONDENT

September 3, 2024

I support the finding of good cause.

By: 
W. JEFFREY YOUNG
Chief Deputy Attorney General

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PROOF OF SERVICE

I am an employee of the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion for Extension Time, and Certificate of Service has been forwarded to Appellant's counsel, Robert M. Dudek , Esquire, via email today, September 3, 2024 to RDudek@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 3rd day of September, 2024.

s/ Angela Brown

Legal Assistant to Melody J. Brown
Senior Assistant Deputy Attorney General

Angela Brown

To: RDudek@sccid.sc.gov; Warren, Kaylynn
Cc: Melody Brown
Subject: The State v. Raymond Martinez (2023-001201)
Attachments: Martinez, Raymond - Motion for Extension for IBOR - September 3, 2024.pdf

Mr. Dudek, please find attached the state's motion for an extension of time to serve and file the Initial Brief of Respondent and Designation of Matter in the above appeal. The motion will be electronically filed with the Court of Appeals on today's date.

Thank you,
Angela Bennett Brown, Administrative Coordinator II
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P.O. Box 11549 | Columbia, SC 29211



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