

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

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THE STATE,

RESPONDENT,

v.

MICHAEL TIVEN BOLTON,

APPELLANT.

Appellate Case No. 2023-001327

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

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The undersigned counsel would respectfully request a FOURTH 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 September 30, 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 Monday, September 9, 2024. The undersigned attorney has had a number of state, and federal matters to attend to since August 7, 2024. Specifically:

1. Counsel filed the Reply to Response in Opposition to Motion for Summary Judgment [ECF #30] in the matter of David A. Bowers vs. Warden William Langdon, III, C/A No. 0:24-cv-287-JD-PJG on August 9, 2024;

2. Counsel filed the Respondent's Response in Opposition to Motion for Disclosure [ECF #24] in the matter of Mickey M. Johnson vs. Warden, Broad River Correctional Institution, C/A No. 0:24-cv-1623-TMC-PJG on August 12, 2024;

3. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Mickey M. Johnson vs. Warden, Broad River Correctional Institution, C/A No. 0:24-cv-1623-TMC-PJG, also on August 12, 2024;

4. Counsel filed the Respondent's Reply to Objections to Report and Recommendation [ECF #56] in the matter of Earnest Vaughn v. Warden Turbeville Correctional Institution, C/A 6:23-04220-TLW-KFM on August 12, 2024;

5. Counsel filed the Respondent's Response in Opposition to Petitioner's Motion for Preliminary Injunction [ECF #54], in the matter of Earnest Vaughn v. Warden Turbeville Correctional Institution, C/A 6:23-04220-TLW-KFM on August 12, 2024;

6. Counsel filed the Respondent's Response in Opposition to Motion for Clarification, [ECF #26] in the matter of Mickey M. Johnson vs. State of South Carolina, C/A No. 0:24-1623-TMC-PJG on August 14, 2024;

7. Counsel also filed the Respondent's Response in Opposition to Motion for USDC to Retain Jurisdiction , [ECF #25] in the matter of Mickey M. Johnson vs. State of South Carolina, C/A No. 0:24-1623-TMC-PJG on August 14, 2024;

8. Counsel filed the Respondent's Objections to ECF #s 65, 67 & 68, and in the Alternative, Respondent's Motion to Consolidate Existing Objections and Prohibit Further Objections in the matter of Earnest Vaughn v. Warden Turbeville Correctional Institution, C/A No. 6:23-04220-BHH on August 29, 2024;

9. Counsel also filed the Respondent's Response in Opposition to Petitioner's Motion to Amend and Objections to Petitioner's Repeated Motion to Clarify and Retain Jurisdiction [ECF #s 44, 45 & 46] in the matter of Mickey Markell Johnson vs. Warden, Broad River Correctional Institution, C/A No. 0:24-1623-TMC-PJG, also on August 29, 2024;

10. Counsel is currently preparing the Initial Brief of Respondent in the Florence County murder appeal matter of The State vs. Tirik J. Johnson-Epps, Appellate Case No. 2023-000179, and same is pending in the South Carolina Court of Appeals;

11. Counsel is also preparing the Initial Brief of Respondent in the matter of The State vs. Randy Dean Grainger, Appellate Case No. 2023-000598, an Horry County murder appeal matter now pending in the South Carolina Court of Appeals; and

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

WHEREFORE, for the following extraordinary circumstances, counsel respectfully requests a FOURTH 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 October 9, 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

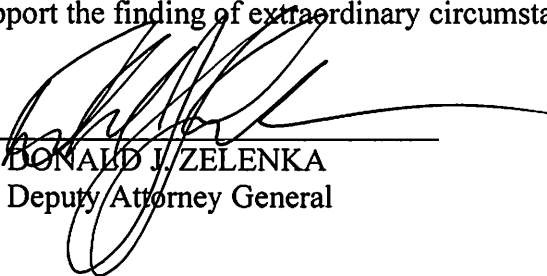
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211-1549  
(803) 734-6305

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

September 6, 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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SC Court of Appeals

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**PROOF OF SERVICE**

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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 Fourth 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, September 6, 2024 to [gjohnson@sccid.sc.gov](mailto:gjohnson@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 6<sup>th</sup> day of September, 2024.

s/ Donna D'Alessio  
Donna D'Alessio, Legal Assistant to  
W. Joseph Maye,  
Assistant Attorney General  
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