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Sep 09 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Jasper County
The Honorable Robert J. Bonds, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

JHARAUN WASHINGTON,

APPELLANT.

Appellate Case No. 2023-000468

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

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. The Initial Brief is currently due to be filed today, Monday, September 9, 2024. Counsel for Appellant has graciously consented to extension requests up to and including September 30, 2024. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

Respondent has been unable to complete this brief because the undersigned attorney has had a number of other state, and federal matters to attend to since August 9, 2024 including matters in this Court. Specifically:

1. Counsel filed the Reply to Response in Opposition to Motion for Summary Judgment [ECF #27] in the matter of Calvin T. Williams vs. Warden of Perry Correctional Institution, C/A No. 9:24-cv-457-JFA-MHC on **August 9, 2024**;

2. Counsel filed the Respondent's Response to Objections to Report and Recommendation [ECF #46] in the matter of Malcolm Antwon Williams, #372578 vs. Wilfredo Martell, Warden, C/A No. 4:23-1833-DCC on **August 12, 2024**;

3. Counsel filed the Respondent's Response to Motion [ECF #135] in the matter of Ron Santa McCray vs. Warden of Lieber Correctional Institution, C/A No. 1:22-1204-TLW, also on **August 12, 2024**;

4. Counsel prepared and filed a Motion to Strike and Require Filing of Amended Initial Brief of Appellant in the matter of State vs. Antonio D. Brayboy, Appellate Case No. 2023-001182, a Florence County murder appeal matter on **August 14, 2024**;

5. Counsel filed a Motion to Supplement the Record Pursuant to Rule 212(a)&(b), SCACR, with attachments, in the matter of The State vs. Anthony Nicholas Argoe, Appellate Case No. 2023-000223, a Dorchester County direct appeal matter now pending in the South Carolina Court of Appeals on **August 15, 2024**;

6. Counsel prepared and filed the Return and Memorandum of Law in Support of Summary Judgment in Michael Young v. Warden, (Murder & ABWIK) a federal habeas matter, where the petitioner was convicted of murder and ABWIK and no further extensions were permitted. Same was filed on **August 16, 2024**;

7. Counsel assisted in the preparation of a murder case on August 21, 2024, set for trial in September in Greenville County, State v. Blauvelt;

8. Counsel filed the State Court Records (Five Notices) in the capital Georgetown matter of Stephen Stanko vs. Bryan P. Stirling and Lydell Chestnut, C/A No. 1:24-cv-4109-RMG-SVH, pursuant to ECF #12 on Thursday, **August 22, 2024** and **August 23, 2024**;

9. Counsel prepared the Response to Objections to the Report and Recommendation [ECF #66] in Alonzo C. Jeter v. Warden Wilfredo Martell, C/A No. 9:23-cv-3253-MGL-MHC, a (Federal Habeas Corpus matter) on **August 23, 2024**;

10. Counsel is currently preparing the Initial Brief of Respondent in the matter of State vs. Antonio D. Brayboy, Appellate Case No. 2023-001182, a Florence County murder appeal matter now pending in the South Carolina Court of Appeals;

11. Counsel filed the Initial Brief of Respondent in State v. Ernest Bethel, Appellate Case No. 2023-000669, a Richland County murder appeal matter on **September 4, 2024**;

12. Counsel is also currently working on the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of David Glover, #364163 vs. Warden Lavern Cohen, C/A No. 4:24-2635-MGL-TER;

13. Counsel filed a Status Report as per TEXT Order [ECF #82] in the matter of Julia Shawnette Gorman, #348815 vs. Warden Patricia Yedell, C/A No. 4:22-1036-HMH-TER on **September 3, 2024**;

14. Counsel filed a Reply to Response to Motion to Supplement the Record on Appeal in the matter of The State vs. Anthony N. Argoe, Appellate Case No. 2023-000223, a Dorchester County murder appeal now pending in the South Carolina Court of Appeals on **September 4, 2024**;

15. Counsel also filed a Reply to Response in Opposition to Motion to Strike in the matter of The State vs. Antonio D. Brayboy, Appellate Case No. 2023-001182, a Florence

County murder appeal matter now pending in the South Carolina Court of Appeals today,
September 6, 2024;

16. Counsel is also preparing the Initial Brief of Respondent in this matter; and

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

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

WHEREFORE, for extraordinary circumstances shown, 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 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

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By: s/J. Anthony Mabry
J. ANTHONY MABRY
ATTORNEYS FOR RESPONDENT

September 9, 2024.

I hereby 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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Appellate Case No. 2023-000468

PROOF OF SERVICE

I, **Donna D'Alessio**, an employee of the Respondent and legal assistant to J. Anthony Mabry, 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 9, 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 9th day of September, 2024.

s/ Donna D'Alessio
Donna D'Alessio, Legal Assistant to
J. Anthony Mabry
Senior Assistant Attorney General
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