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Sep 12 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Charleston County
The Honorable Deadra L. Jefferson, Circuit Court Judge

THE STATE,

Respondent,

v.

MARVIN DONTE BRYAN,

Appellant.

Appellate Case No. 2017-001468

**MOTION FOR FIFTH 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 October 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 September 30, 2024. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of Matter is due Monday, September 16, 2024, as per this Court's Order dated August 15, 2024, granting Respondent's fourth extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend to since August 2024. Specifically,

1. Counsel filed the Final Brief of Respondent on August 12, 2024, in the matter of The State vs. Eric Graham, Appellate Case No. 2023-000160, a Darlington County murder appeal matter now pending in the South Carolina Court of Appeals;
2. Counsel filed Objections to the Report and Recommendation in the matter of K.C. Langford vs. Donnie Stonebreaker, Jr., Warden, Evans Correctional Institution, 9:20-cv-1298-DCC-MHC on August 14, 2024, a matter pending in the District Court;
3. Counsel filed the Final Brief of Respondent on August 14, 2024, in the matter of The State vs. Reno R. Blakely, Appellate Case No. 2023-000218, a Lancaster County murder appeal matter now pending in the South Carolina Court of Appeals;
4. Counsel completed and filed the Return and Memorandum in Support of Summary Judgment in the matter of Earnest Maurice Allen v. Warden Jackson, C/A 4:24-cv-2899-BHH-TER on August 23, 2024, a matter pending in the District Court;
5. Counsel completed and filed the Return and Memorandum in Support of Summary Judgment in the matter of Gary A. White, Jr. v. Director Bryan Stirling, C/A 0:24-cv-2595-DCN-SVH, on September 9, 2024, a matter pending in the District Court;
6. Counsel is working on the Initial Brief and Designation of Matter due September 18, 2024 in the case of The State v. Bradley Wayne Walker, Appellate Case No. 2023-000139, a matter pending in this Court and on Fifth Extension;
7. Counsel is working on the Post Hearing Brief in the Post Conviction Relief Death Penalty case of Ricky Lee Blackwell v. State of South Carolina, 2018-CP-42-928, due on October 21, 2024;
8. In light of these other work obligations, counsel has been unable to complete the Initial Brief of Respondent and Designation of Matter in the captioned matter;

9. This request is not made for the purpose of 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

By: Tommy Evans, Jr.
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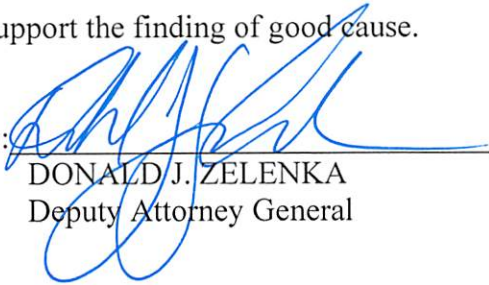
ATTORNEY FOR RESPONDENT

[signature block continued next page]

September 12, 2024

I support the finding of good cause.

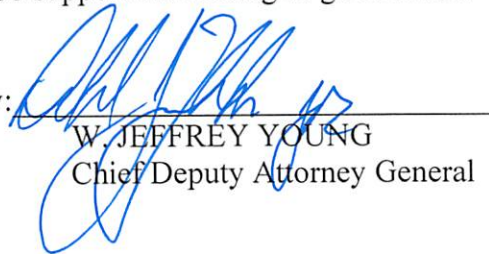
By:



DONALD J. ZELENKA
Deputy Attorney General

I too support the finding of good cause.

By:



W. JEFFREY YOUNG
Chief 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 Fifth Extension to file the Initial Brief of Respondent, Designation of Matter, and Proof of Service has been forwarded to Appellant's counsel, Joanna K. Delany, Esq., via email today, September 12, 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 12th day of September 2024.

s/Tommy Evans, Jr.

Tommy Evans, Jr.

S.C. Bar No. 12990

Post Office Box 11549

Columbia, South Carolina 29211

ATTORNEY FOR RESPONDENT

Brandy Rankin

From: Brandy Rankin
Sent: Thursday, September 12, 2024 3:36 PM
To: Delany, Joanna
Cc: Warren, Kaylynn; Tommy Evans, Jr.
Subject: The State v. Marvin Donte Bryan - Appellate Case No. 2017-001468 - Fifth Extension to file Initial Brief & Designation of Matter
Attachments: Bryan.Marvin Fifth Extension to file Initial Brief & Designation of Matter, 9-12-24.pdf

Dear Ms. Delaney,

Please find attached the Respondent's Fifth Motion for Extension to file the Initial Brief and Designation of Matter in the above captioned case. This Motion for Extension will be filed with the South Carolina Court of Appeals today, September 12, 2024, along with a copy of this email. Thank you.

Sincerely,
Brandy Rankin

Brandy Rankin, Legal Assistant
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