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Sep 17 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

THE STATE,

RESPONDENT,

v.

WILLISTON L. OWENS,

APPELLANT.

Appellate Case No. 2023-000593

**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. 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 tomorrow, Wednesday, September 18, 2024. The undersigned attorney has had a number of state, and federal matters to attend to since August 14, 2024. Specifically:

1. 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;

2. 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;

3. Counsel filed 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 in this court on August 23, 2024;

4. Counsel also filed the Initial Brief of Respondent in the Florence County murder appeal matter of The State vs. Quinterris Javon Carmichael, Appellate Case No. 2023-000162 in this court on August 28, 2024;

5. 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;

6. 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;

7. Counsel filed an Amended Reply to Objections to Report and Recommendation [ECF Nos. 53, 56, 67 and 68] in the matter of Earnest Vaughn v. Warden Turbeville Correctional Institution, C/A No. 6:23-04220-BHH on September 9, 2024;

8. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Adrian Jenkins vs. Warden Lavern, C/A No. 0:24-2636-DCN-PJG on September 11, 2024;

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

10. 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 18, 2024.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

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

September 17, 2024.

I support the finding of extraordinary circumstances.

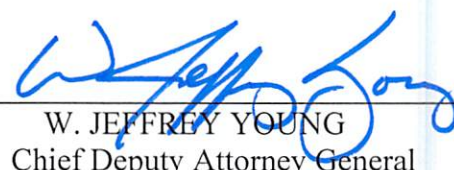
By: _____



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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PROOF OF SERVICE

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, Jessica Saxon, Esq., via email today, September 17, 2024 to jsaxon@sccid.sc.gov and to her assistant at slevertt@sccid.sc.gov.

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

This 16th day of September, 2024.

s/ Donna D'Alessio

Donna D'Alessio, Legal Assistant to
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