

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
The Honorable Benjamin H. Culbertson, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

TRAVONTAE J. MITCHELL,

APPELLANT.

Appellate Case No. 2023-001323

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

The undersigned counsel would respectfully request a SECOND 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 October 31, 2024. In support of this motion, counsel would respectfully show the Court the following circumstances:

Respondent's Initial Brief and Designation of Matter is due to be filed tomorrow, Thursday, October 3, 2024. The undersigned attorney has had a number of state, and federal matters to attend to since August 29, 2024, specifically:

1. 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;

2. 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;

3. 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;

4. 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;

5. Counsel filed the Initial Brief of Respondent in the matter of The State vs. Randy D. Grainger, 2023-000598, an Horry County direct appeal matter now pending in this Court yesterday, October 1, 2024; and

6. Counsel has begun working on the Initial Brief of Respondent in the matter of The State vs. Antonie Blakely, Appellate Case No. 2023-000721, a Laurens County murder appeal matter now pending in this court;

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

WHEREFORE, for the following circumstances, counsel respectfully requests a SECOND 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 November 4, 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

October 2, 2024.

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SC Court of Appeals

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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 Second Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Joanna K. Delany, Esq., via email today, October 2, 2024 to jdelany@sccid.sc.gov and to her assistant at kwarren@sccid.sc.gov.

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

This 2nd day of October, 2024.

s/ Donna D'Alessio

Donna D'Alessio, Legal Assistant to
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