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Oct 08 2024

SC Court of Appeals

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 FIFTH EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

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The undersigned counsel would respectfully request a FIFTH 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 extraordinary circumstances:

Respondent's Initial Brief and Designation of Matter is due to be filed tomorrow, Wednesday, October 9, 2024. The undersigned attorney has had a number of state, and federal matters to attend to since September 6, 2024. Specifically:

1. 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;

2. 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;

3. 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 the South Carolina Court of Appeals on October 1, 2024;

4. Counsel filed the Respondent's Response in Opposition to Petitioner's Motion to Amend his Objections to the Report and Recommendation [ECF #39] in the matter of Chris Anthony Liverman vs. SCDC, Warden of Tallahatchie County Correctional Facility, C/A No. 9:23-3205-JD on October 4, 2024;

5. Counsel had a term of court for Post-Conviction Relief in Greenville, South Carolina commencing on Monday, October 7, 2024;

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 the South Carolina Court of Appeals;

7. Counsel is currently preparing the Return to Petition for Writ of Certiorari in the matter of The State vs. Royal D. Williams, III, Appellate Case No.2024-000838, a Florence County direct appeal matter now pending before the South Carolina Supreme Court;

8. Counsel is currently preparing the Return and Memorandum of Law in the matter of Matthew C. Dwyer vs. Warden of Broad River Correctional Institution, C/A No. 5:24-3036-SAL-KDW; and

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

WHEREFORE, for the following extraordinary circumstances, counsel respectfully requests a FIFTH 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 8, 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

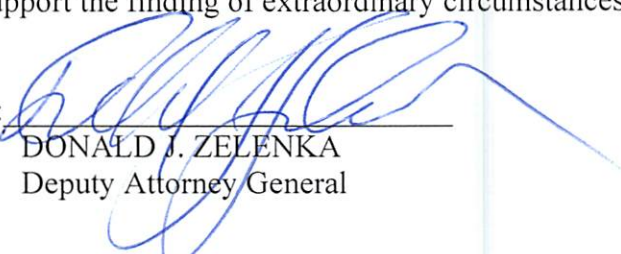
W. JOSEPH MAYE  
Assistant Attorney General  
S.C. Bar No. 100851

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(803) 734-6305

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

October 8, 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**

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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 Fifth 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, October 8, 2024 to [gjohnson@sccid.sc.gov](mailto:gjohnson@sccid.sc.gov) and to his assistant at [sleverette@sccid.sc.gov](mailto:sleverette@sccid.sc.gov).

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

This 8<sup>th</sup> day of October, 2024.

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