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Oct 16 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Richland County
The Honorable Robert E. Hood, Circuit Court Judge

THE STATE,

Respondent,

v.

GENARI MCNEIL,

Appellant.

Appellate Case No. 2023-000591

**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 November 15, 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 October 31, 2024. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of Matter is due today, October 16, 2024, as per this Court's Order dated September 20, 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 September 2024. Specifically,

1. Counsel completed and filed the Initial Brief and Designation of Matter on **September 18, 2024**, in the matter of The State v. Bradley Wayne Walker, Appellate Case No. 2023-000139, a matter pending in the South Carolina Court of Appeals;
2. Counsel filed the Final Brief in the matter of The State v. TyChristian Ladson, Appellate Case No. 2023-00372 on **October 3, 2024**, a matter pending in the South Carolina Court of Appeals;
3. Counsel completed and filed the Return and Memorandum in Support of Summary Judgment on **October 7, 2024**, in the matter of Robert Lee Wright, SCDC#358939 vs. Warden of Lieber Correctional Institution, C/A 1:24-cv-03441-BHH-SVH, a matter pending in the District Court;
4. Prior to and during the week of **October 7, 2024**, Counsel reviewed the case files and prepared returns and motions to dismiss along with conditional orders of dismissal in Court of Common Pleas cases and appeared in Court in the following cases: *Jaquese Hyatt v. State*, Case No. 2021-CP-23-1199; *Dean Holcomb v. State*, Case No. 2022-CP-23-1464; *Adam Byrum v. State*, Case No. 2021-CP-23-4035; *Stacy Murray v. State*, Case No. 2022-CP-23-2304; *Christopher Lewallen v. State*, Case No. 2020-CP-23-3397; *Brian Kaye v. State*, Case No. 2023-CP-39-0193; *Pedro Melendez v. State*, Case, 2022-CP-23-3798; and *Robert Anderson v. State*, Case No. 2019-CP-23-03262; *Ronald Downs, Jr. v. State*, Case No. 2023-CP-23-2199; *Jeffery Mullins, Jr. v. State*, Case No. 2022-CP-23-3968; *Roy Jones v. State*, Case No. 2019-23-3756, and *Matthew Bryant v. State*, Case No. 2023-CP-39-1319.
5. Counsel filed the Response to Motion to Reconsider 59(e) on **October 15, 2024** in the matter of K.C. Langford v. Donnie Stonebreaker, Jr., Warden, Evans Correctional Institution, C/A No. 9:20-cv-01298-DCC-MHC;

6. 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**;

7. 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.
TOMMY EVANS, JR.
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Columbia, South Carolina 29211
(803) 734-6305

ATTORNEY FOR RESPONDENT


[signature block continued next page]

October 16, 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, October 16, 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 16th day of October 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: Wednesday, October 16, 2024 12:03 PM
To: Delany, Joanna
Cc: smcinnis@sccid.sc.gov; Tommy Evans, Jr.
Subject: Fifth Extension to file Initial Brief & Designation of Matter - The State v. Genari McNeil - Appellate Case No. 2023-000591
Attachments: Fifth Extension to file Initial Brief & Designation of Matter - Genari McNeil.pdf

Dear Ms. Delany,

Please find attached the Respondent's fifth extension to file the Initial Brief and Designation of Matter along with the Proof of Service. These docs will be filed today, October 16, 2024 with the South Carolina Court of Appeals along with this email. Thank you!

Sincerely,
Brandy Rankin

Brandy Rankin, Legal Assistant
Office of the Attorney General
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