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Oct 24 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.

DON BROWN,

Appellant.

Appellate Case No. 2023-001336

**MOTION FOR FOURTH 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 27, 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 28, 2024, as per this Court's Order dated September 25, 2024, granting Respondent's third 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 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 30, 2024** and is on a third extension;

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. ZELENSKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

TOMMY EVANS, JR.
Assistant Attorney General

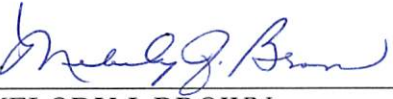
By: Tommy Evans, Jr.
TOMMY EVANS, JR.
No. 7448
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

ATTORNEY FOR RESPONDENT

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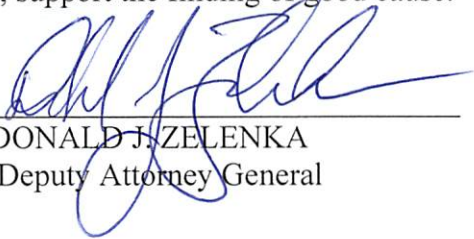
October 24, 2024

I support the finding of good cause.

By: 

MELODY J. BROWN
Senior Assistant Deputy Attorney General

I, too, support the finding of good cause.

By: 

DONALD J. ZELENKA
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 Fourth Extension to file the Initial Brief of Respondent, Designation of Matter, and Proof of Service has been forwarded to Appellant's counsel, Kathrine Haggard Hudgins, Esq., via email today, October 24, 2024 to KHudgins@sccid.sc.gov, and to her assistant, Chris Stock to CStock@sccid.sc.gov.

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

This is the 24th 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: Thursday, October 24, 2024 12:00 PM
To: Hudgins, Kathrine
Cc: cstock@sccid.sc.gov; Tommy Evans, Jr.
Subject: Fourth Extension to file Initial Brief of Respondent & Designation of Matter - The State v. Don Brown - Appellate Case No. 2023-001336
Attachments: Fourth Extension to file Initial Brief of Respondent and Designation of Matter - Don Brown - 10-24-24.pdf

Dear Ms. Hudgins,

Please find attached the Respondent's Fourth Extension in which to file the Initial Brief & Designation of Matter. This extension will be filed with the South Carolina Court of Appeals, today, October 24, 2024 along with a copy of this email. Thank you!

Sincerely,

Brandy Rankin

Brandy Rankin, Legal Assistant
Office of the Attorney General
Post Office Box 11549
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803-734-6305



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