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Nov 04 2024

SC Court of Appeals

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

The undersigned counsel would respectfully request a THIRD 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 November 30, 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 today, Monday, November 4, 2024. The undersigned attorney has had a number of state, and federal matters to attend to since October 4, 2024, specifically:

1. 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;

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

3. Counsel filed 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 on October 21, 2024;

4. Counsel prepared and filed 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 on October 30, 2024;

5. Counsel filed 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-cv-3036-SAL-KDW on October 24, 2024;

6. Counsel filed the Respondent's Response in Opposition to Petitioner's Motion for Leave to File [ECF #77] in the matter of Earnest Vaughn vs. Warden Turbeville Correctional Institution, C/A No. 6:23-04220-JDA on October 29, 2024;

7. Counsel also filed the Respondent's Response to Motion to Compel [ECF #24] in the matter of Arthur Quintin Jones, Jr. vs. Warden Evans Correctional Institution, C/A No. 6:24-04191-JFA-KFM on November 1, 2024; and

8. Counsel is currently preparing for oral argument in the matter of The State vs. Andre Covington, Jr., Appellate Case No. 2022-000831, a Chesterfield County murder appeal now pending before this court scheduled for tomorrow, Tuesday, November 5, 2024; and

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

WHEREFORE, for the following circumstances, counsel respectfully requests a THIRD 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 December 4, 2024.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

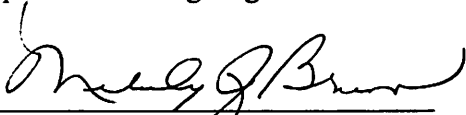
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By: s/W. Joseph Maye
W. JOSEPH MAYE
ATTORNEYS FOR RESPONDENT

November 4, 2024.

I support the finding of good cause.

By: 
MELODY J. BROWN
Senior Assistant 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 Third 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, November 4, 2024 to jdelany@sccid.sc.gov and to her assistant at smcinnis@sccid.sc.gov.

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

This 4th day of November, 2024.

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