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Nov 08 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
The Honorable Bentley Price, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

MICHAEL TIVEN BOLTON,

APPELLANT.

Appellate Case No. 2023-001327

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

The undersigned counsel would respectfully request a SIXTH 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 extraordinary circumstances:

Respondent's Initial Brief and Designation of Matter is due to be filed today, Friday, November 8, 2024. The undersigned attorney has had a number of state, and federal matters to attend to since October 8, 2024. Specifically:

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

2. Counsel filed the Initial Brief of Respondent in the matter of The State vs. Antone 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;

3. 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;

4. 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;

5. 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;

6. 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;

7. Counsel filed the Respondent's Reply to Objections to Report and Recommendation [ECF #34] in the matter of David Andrew Bowers vs. Warden William Langdon, III, C/A No. 0:24-287-JD-PJG on November 4, 2024;

8. Counsel appeared 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 the South Carolina Court of Appeals on Tuesday, November 5, 2024; 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 SIXTH 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 9, 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

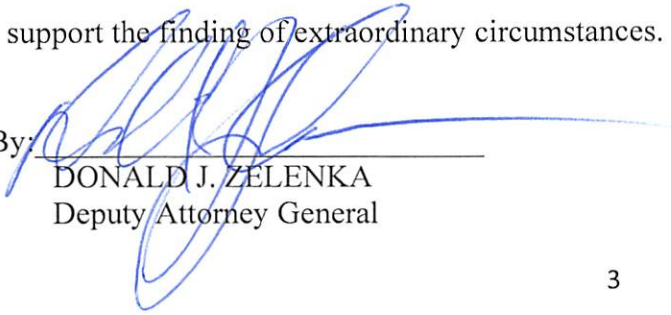
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-6305

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

November 8, 2024.

I support the finding of extraordinary circumstances.

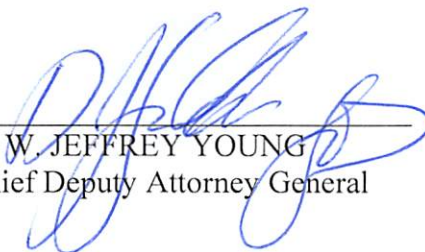
By:



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

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 Sixth 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, November 8, 2024 to gjohnson@sccid.sc.gov and to his assistant at sleverette@sccid.sc.gov.

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

This 8th day of November, 2024.

s/ Donna D'Alessio

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