

RECEIVED

Dec 03 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 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 January 3, 2025, 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 December 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, Tuesday, December 3, 2024, as per this Court's Order dated October 28, 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 October 2024. Specifically,

1. Counsel completed and filed the Post Hearing Brief on **November 5, 2024**, in the Post Conviction Relief Death Penalty case of Ricky Lee Blackwell v. State of South Carolina, 2018-CP-42-928;
2. Counsel prepared and presented Oral Argument to the South Carolina Court of Appeals on **November 6, 2024**, in the matter of The State v. Shantrez Alejandro Robertson, Appellate Case No. 2021-001405;
3. Counsel completed and filed the Return and Memorandum in Support of Summary Judgment on **November 7, 2024**, in the matter of Johnny Ray Wilkins vs. Shane Jackson, C/A 0:24-cv-03620-MGL-PJG, a matter pending in this Court;
4. Counsel prepared and filed the Response Brief in the matter of James L. Burnett v. Warden of Broad River Correctional Institution on **November 12, 2024**, Case No. 23-6113 & 1:22-00057-HMH, a matter then pending in the United State Court of Appeals, Fourth Circuit and now pending in this Court;
5. Counsel prepared and filed the Final Brief on **November 12, 2024**, in the matter of The State v. Bradley W. Walker, Appellate Case No. 2023-000139, a matter pending in the South Carolina Court of Appeals;
6. Counsel prepared and filed the Initial Brief & Designation of Matter on **November 12, 2024** in the matter of The State v. Braylon Lamar Morris, Appellate Case No. 2023-000608, a matter pending in the South Carolina Court of Appeals;
7. Counsel prepared and filed the Initial Brief & Designation of matter on **November 15, 2024**, in the case of The State v. Marvin Donte Bryan, Appellate Case No. 2017-001458, a matter pending in the South Carolina Court of Appeals;
8. Counsel prepared and filed the Initial Brief & Designation of Matter on **November 15,**

2024, in the case of The State v. Genari Gresean McNeil, Appellate Case No. 2023-000591, a matter pending in the South Carolina Court of Appeals;

9. Counsel filed the Response and Motion in Opposition for Petitioner's Motion to Amend or Supplement the Pleadings on **November 18, 2024**, in the matter of Earnest Maurice Allen, #210134, a/k/a Earnest Maurice Pickett, a/k/a Ernest Maurice Allen v. Warden Jackson, C/A No. 4:24-cv-2899-BHH-TER, a matter pending in this Court;

10. Counsel filed the Notice of Appeal on the Order re Motion for Reconsideration on **November 21, 2024**, in the matter of K. C. Langford v. Warden Donnie Stonebreaker, Jr., Warden Evans Correctional Institution, C/A 9:20-CV-01298-DCC;

11. Counsel filed the Reply to Objections to Report and Recommendation on **November 22, 2024**, in the matter of Miguel Urena vs. Shane Jackson, Warden Lee Correctional Institution, C/A No. 5:23-cv-05202-JD-KDW, a matter pending in this Court;

12. Counsel completed and filed the Return and Memorandum in Support of Summary Judgment on **December 2, 2024**, in the matter of Timothy James Wright v. Warden of Ridgeland Correctional Institution, C/A 8:24-cv-03557-BHH-WSB a matter pending in this Court;

13. This request is not made for the purpose of delay but due to 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

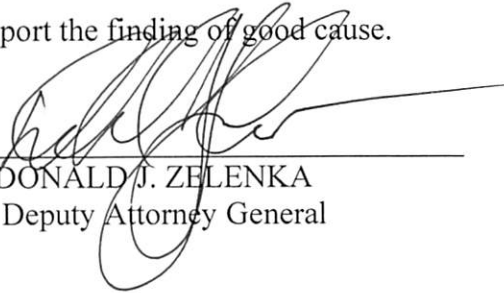
By: Tommy Evans, Jr.
TOMMY EVANS, JR.
No. 7448
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

ATTORNEY FOR RESPONDENT

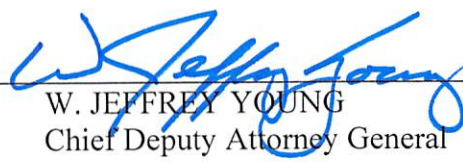
[signature block continued next page]

December 3, 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

RECEIVED

Dec 03 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

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, Kathrine Haggard Hudgins, Esq., via email today, December 3, 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 3rd day of December 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: Tuesday, December 3, 2024 10:12 AM
To: Hudgins, Kathrine
Cc: Stock, Chris; Tommy Evans, Jr.; Kaylee Kemp
Subject: Fifth Extension to file Initial Brief of Respondent & Designation of Matter
Attachments: Fifth Extension to file Initial Brief & Designation of Matter - Don Brown.pdf

Dear Ms. Hudgins,

Please find attached the Respondent's Fifth Extension to file the Initial Brief & Designation of Matter in the above-captioned case. Also attached is the Proof of Service. These documents will be filed today, December 3, 2024, with the South Carolina Court of Appeals along with a copy of this email.

Sincerely

Brandy Rankin

Brandy Rankin, Legal Assistant
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
803-734-6305



This email, together with any attachments, may be legally privileged. If you have received it in error, please notify the sender immediately, and then delete it from your system. This email and any replies to this email may be subject to disclosure under the Freedom of Information Act.