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Dec 04 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Horry County  
The Honorable Benjamin H. Culbertson, Circuit Court Judge

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THE STATE,

RESPONDENT,

v.

TRAVONTAE J. MITCHELL,

APPELLANT.

Appellate Case No. 2023-001323

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

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The undersigned counsel would respectfully request a FOURTH 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 December 31, 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, Wednesday, December 4, 2024. The undersigned attorney has had a number of state, and federal matters to attend to since November 4, 2024, specifically:

1. 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;
2. 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;
3. Counsel filed the Respondent's Response in Opposition to Petitioner's Motions [ECF #s 25 & 26] in the matter of Arthur Quintin Jones, Jr. vs. Warden Evans Correctional Institution, C/A No. 6:24-04191-JFA-KFM on November 12, 2024;
4. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Kevin C. Casey vs. Warden of Tyger River, C/A No. 9:24-03653-JFA-MHC on November 15, 2024;
5. Counsel filed the Respondent's Response to Motion to Dismiss Petition without prejudice [ECF #29] in the matter of Adrian Jenkins vs. Warden Lavern, C/A No. 0:24-2636-DCN-PJG on November 21, 2024;
6. Counsel filed the Respondent's Reply to Petitioner's Response in Opposition to Motion for Summary Judgment [ECF #43] in the matter of Quoteas Nesbitt vs. Warden of Ridgeland Correctional Institution, C/A No. 5:24-316-BHH on November 21, 2024;
7. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Arthur Quinton Jones, Jr. vs. Warden of Evans Correctional Institution, C/A No. 6:24-cv-4161-JFA-KFM on November 27, 2024;

8. Counsel filed the Reply to objection to report and recommendation ECF #67 in the matter of George S. Branham, II vs. Bryan Stirling and Shane Jackson, Warden, C/A No. 0:23-cv-745-SAL-PJG yesterday, December 2, 2024;

9. Counsel is currently preparing the Initial Brief of Respondent in the matter of The State vs. Michel T. Bolton, Appellate Case No. 2023-001327, a Charleston County murder appeal matter now pending in this Court; and

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

WHEREFORE, for the following extraordinary circumstances, counsel respectfully requests a FOURTH 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 January 3, 2025.

Respectfully Submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General

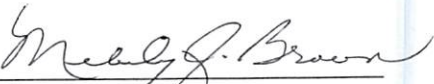
W. JOSEPH MAYE  
Assistant Attorney General  
S.C. Bar No. 100851

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Post Office Box 11549  
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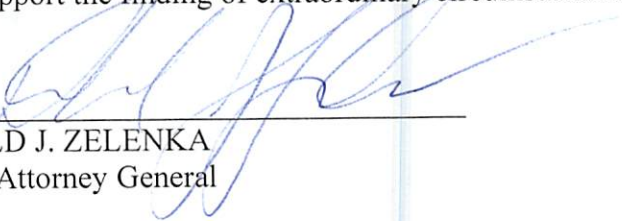
By: s/W. Joseph Maye  
W. JOSEPH MAYE  
ATTORNEYS FOR RESPONDENT

December 4, 2024.

I support the finding of extraordinary circumstances.

By:   
MELODY J. BROWN  
Senior Assistant Deputy Attorney General

I also support the finding of extraordinary circumstances.

By:   
DONALD J. ZELENKA  
Deputy Attorney General

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**PROOF OF SERVICE**

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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 Fourth 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, December 4, 2024 to [jdelany@sccid.sc.gov](mailto:jdelany@sccid.sc.gov) and to her assistant at [smcinnis@sccid.sc.gov](mailto:smcinnis@sccid.sc.gov).

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

This 4<sup>th</sup> day of December, 2024.

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