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Dec 06 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chesterfield County
The Honorable Paul M. Burch, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

MICHAEL LAMONT WATTS,

APPELLANT.

Appellate Case No. 2024-000461

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

The undersigned counsel would respectfully request a FIFTH thirty (30) day extension in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. The Initial Brief is currently due to be filed Monday, December 9, 2024. Counsel for Appellant has graciously consented to this extension request. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

The undersigned attorney has had a number of state, and federal matters to attend to since November 5, 2024 including matters in this Court that have prevented the timely filing of this brief, specifically:

1. Counsel filed the Respondent's Response to Motion to Alter or Amend [ECF #72] in the matter of Alonzo C. Jeter v. Warden Wilfredo Martell, C/A No. 9:23-03253-MGL on **November 5, 2024**;

2. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Filberto Campos vs. Warden Shane Jackson, C/A No. 8:24-cv-3510-JD-BM on **November 6, 2024**;

3. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Emonte Brooks vs. Shane Jackson, Warden, C/A No. 1:24-cv-3511-JDA-SVH on **November 14, 2024**;

4. Counsel prepared and attended oral argument on behalf of the State in the matter of State vs. Donovan Tirrell Brannon, Appellate Case No. 2022-000015, a Lexington County murder appeal matter before the South Carolina Court of Appeals on **November 14, 2024**;

5. Counsel also prepared the Reply to Response to Motion for Summary Judgment in the matter of Breon J. Mayers vs. Shane Jackson, Warden of Lee Correctional Institution, C/A No. 0:24-cv-1240-DCN-PJG on **November 15, 2024**;

6. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Victor D. Smith, #348122 vs. Warden, Evans Correctional Institution, C/A 4:24-3649-JDA-TER on **December 4, 2024**;

7. Counsel is currently preparing the Petition for Writ of Certiorari in the matter of State vs. Kierin Marcellus Dennis, a Lexington County murder appeal matter now pending in the South Carolina Supreme Court. Same is due to be filed on **December 9, 2024**;

8. Counsel is currently working on the Initial Brief of Respondent in the matter of State vs. Jharaun Washington, Appellate Case No. 2023-000468, a Jasper County murder appeal matter now pending in the South Carolina Court of Appeals. Same is due to be filed on **December 9, 2024**; and

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

WHEREFORE, for extraordinary circumstances shown, counsel respectfully requests a fifth 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 January 8, 2025.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

J. ANTHONY MABRY
Senior Assistant Attorney General
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By: s/J. Anthony Mabry
J. ANTHONY MABRY
ATTORNEYS FOR RESPONDENT

December 6, 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 J. Anthony Mabry, of counsel for the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Fifth Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Elizabeth A. Franklin-Best, Esq., via email today, December 6, 2024 to Elizabeth.a.franklin@gmail.com.

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

This 6th day of December, 2024.

s/ Donna D'Alessio
Donna D'Alessio, Legal Assistant to
J. Anthony Mabry
Senior Assistant Attorney General
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