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Dec 13 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Anderson County
The Honorable R. Lawton McIntosh, Circuit Court Judge

THE STATE,

Respondent,

v.

JESSE DEWITT OSBORNE,

Appellant.

Appellate Case No. 2023-001596

**MOTION FOR THIRD 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 12, 2024, 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, December 13, 2024, as per this Court's Order dated November 18, 2024, granting Respondent's second extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend to since November 2024. Specifically,

1. 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 the District Court;
2. 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 this Court;
3. 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 this Court;
4. 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 this Court;
5. 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 this Court;
6. 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 the District Court;
7. 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, a matter pending in the U.S. Court of Appeals, Fourth Circuit;

8. 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 the District Court;
9. 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 the District Court;
10. Counsel prepared for and attended a hearing on Motion for Release Pending Review of Decision Ordering Release on **December 9, 2024**, in Spartanburg County in the matter of K. C. Langford v. Donnie Stonebreaker, Jr., Warden, Evans Correctional Institution, C/A No. 9:20-cv-01298-DCC, a matter pending in the U.S. Court of Appeals, Fourth Circuit;
11. 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.
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ATTORNEY FOR RESPONDENT

December 13, 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, Tommy Evans, Jr., hereby certify that as per the March 20, 2020 Order of the Chief Justice, the third Extension to file the Initial Brief of Respondent, Designation of Matter, and Proof of Service has been forwarded to Appellant's counsel, Wanda Carter, Esq., via email today, December 13, 2024 to WCarter@sccid.sc.gov, and to her assistant, Scott Leverette to SLeverette@sccid.sc.gov.

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

This is the 13th 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: Friday, December 13, 2024 10:07 AM
To: wcarter@sccid.sc.gov
Cc: Leverett, Scott; Tommy Evans, Jr.
Subject: Third Extension to file Initial Brief of Respondent & Designation of Matter - Appellate No. 2023-001596
Attachments: Third Extension to file Initial Brief Designation of Matter - Word Version - Jesse Osborne - 12-13-24.pdf

Dear Ms. Carter,

Please find attached the Respondent's Third Extension to file the Initial Brief & Designation of Matter in the above captioned case. These documents will be filed with the South Carolina Court of Appeals, along with a copy of this email. Thank you! Have a great day!

Sincerely,
Brandy Rankin

Brandy Rankin, Legal Assistant to Tommy Evans, Jr.
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