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Jan 03 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Sumter County
The Honorable R. Kirk Griffin, Circuit Court Judge

THE STATE,

Respondent,

v.

DIONTRAE TRAVON EPPS,

Appellant.

Appellate Case No. 2023-001586

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

Undersigned counsel would respectfully request a thirty (30) day extension up to and including February 3, 2025, in which to serve and file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. Opposing counsel has graciously consented via email confirmation today. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of matter is due today, January 3, 2025. Pursuant to this Court's Order dated November 22, 2024. Counsel would respectfully ask that the due date be extended 30 days up to and including February 3, 2025. Undersigned counsel for Respondent has had a number of state and federal matters to attend since November 22, 2024, most notably in capital cases and federal actions, which include, but are not limited to the following: prepared and filed a return to petition for writ of supersedeas regarding a criminal matter

with multiple counts of murder (*Ryan Manigo, Nov. 22, 2024*); prepared and filed a response in opposition to motion to certify question in a federal habeas corpus action (*Antonio Tisdale, Nov. 25, 2024*); completed and filed the initial brief of appellant in a non-capital murder direct appeal on *sixth extension* (*Raymond Martinez, Nov.26,2024*); prepared and circulated two proposed orders of dismissal in non-capital PCR matters (*Mark Keys and Keldrekus Oglesby, Nov. 27, 2024*); prepared and presented for oral argument in a PCR appeal (*Willie Williams, Dec. 5, 2024*); completed and filed a brief of respondent in an original jurisdiction action in our Supreme Court in a pending litigation case (*John Erb, December 6, 2024*); aided in the completion of a response to a motion to stay the issuance of an execution notice (*Steven Bixby, Dec. 6, 2024*); prepared and filed a return to amended federal habeas corpus petition (*Carnie Norris, December 12, 2024*); completed and filed another initial brief of respondent in another non-capital murder direct appeal on *sixth extension* (*James Toatley, Dec. 13, 2024*); prepared and filed a response in opposition to motion for bail in the Fourth Circuit Court of Appeals (*Jerome Curry, Dec. 18, 2024*); prepared and filed a reply to petitioner's objections to report and recommendation in a non-capital federal habeas action (*Brandon Berry, Dec. 19, 2024*); completed and filed a return to petition for writ of certiorari in a capital case PCR appeal (*Bayan Aleksey, Dec. 27, 2024*); completed and filed a return to petition for writ of certiorari in a non-capital murder direct appeal (*Nathaniel Rowland, Dec. 31, 2024*); and today (*Jan. 3, 2025*) counsel is completing a final brief of respondent for filing in this Court (*Robert Belcher*), and received an execution notice which required additional preparations and notices to advise of the January 31, 2025 execution (*Marion Bowman*).

Due to counsel's involvement in the above listed matters, and other matters pending in state and federal court not completed and listed, and also considering counsel's administrative responsibilities as supervisor for murder appeals, federal habeas corpus actions, capital litigation,

and Thirteenth Circuit PCR actions and appeals, counsel has been unable to timely complete the Initial Brief of Respondent and Designation of Matter.

WHEREFORE, counsel respectfully requests a 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.

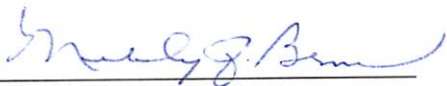
Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

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Columbia, South Carolina 29211
(803) 734-6305

By: 
MELODY J. BROWN
S.C. Bar No: 14244
ATTORNEYS FOR RESPONDENT

January 3, 2025

I support the finding of good cause.

By: _____
DONALD J. ZELENKA
Deputy Attorney General

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PROOF OF SERVICE

I as an employee of the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion for Extension Time, and Proof of Service has been forwarded to Appellant's counsel, Dayne C. Phillips, Esquire, via email today, January 3, 2025 to dayne@pricebenowitz.com.

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

This is the 3rd day of January 2025.

s/ Angela Brown
Assistant to Melody J. Brown
Senior Assistant Deputy Attorney General

Angela Brown

To: Dayne Phillips; Courtney Powers
Cc: Melody Brown
Subject: The State v. Diontrae Epps (2023-001586)
Attachments: Epps, Diontrae - Motion for Extension of Time.pdf

Mr. Phillips, please find attached the state's motion for extension of time to serve and file the Initial Brief of Respondent and Designation of Matter in the above referenced appeal. The motion will be electronically filed with the Court of Appeals on today's date.

Thank you,

Angela Bennett Brown, Administrative Coordinator II
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Criminal Division | Office 803-734-0368 | Abennett@scag.gov
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