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Jan 09 2025

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

The undersigned counsel would respectfully request a fourth thirty (30) day extension up to and including February 12, 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 extensions through January 31, 2025. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of Matter is due January 13, 2025, as per this Court's Order dated December 16, 2024, granting Respondent's third extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend to since December 2024. Specifically,

1. 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 District Court;

2. Counsel prepared and filed the Final Brief of Respondent on **December 13, 2024**, in the matter of The State v. Braylon Morris, Appellate Case No. 2023-000608, a matter pending in this Court;

3. Counsel participated in a Status Conference with Judge Kristi Curtis via Zoom on **December 17, 2024**, in the capital case of The State v. Timothy Ray Jones, Jr., Appellate Case No. 2019-001008, a matter pending in this Court;

4. Counsel prepared and filed the Return to Petition for Writ of Certiorari on **December 17, 2024** in the matter of The State v. Xzavier Sharif Davis, Appellate Case No. 2024-001773, a matter pending in the South Carolina Supreme Court;

5. Counsel filed the Final Brief of Respondent on **December 19, 2024**, in the matter of The State v. Genari McNeil, Appellate Case No. 2023-000591, a matter pending in this Court;

6. Counsel filed the Final Brief of Respondent on **December 20, 2024**, in the matter of The State v. Marvin Donte Bryan, Appellate Case No. 2017-001468, a matter pending in the this Court;

7. Counsel filed the Motion to Dismiss (with attachments) in the matter of Jerry L. Franklin, Jr. vs. Warden John Palmer, C/A No. 1:24-cv-4773-JD-SVH on **January 2, 2025** a matter pending in the District Court;

8. Counsel filed the Initial Brief and Designation of Matter in the case of The State

v. Travontae J. Mitchell, Appellate Case No. 2023-001323, on **January 3, 2025**, a matter pending in this Court;

9. Counsel filed the Initial Brief and Designation of Matter in the case of The State v. Che Leon Ransom, Jr., Appellate Case No. 2023-001348, on **January 3, 2025**, a matter pending in this Court;

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

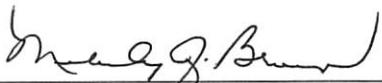
By: s/Tommy Evans, Jr.
TOMMY EVANS, JR.
No. 7448
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Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

ATTORNEY FOR RESPONDENT

January 9, 2025

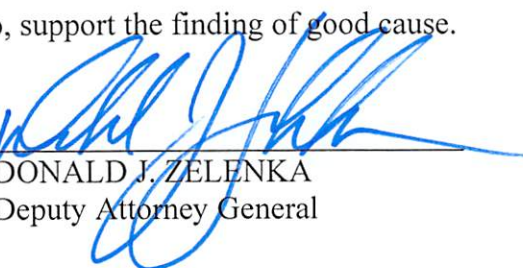
[signature block continued next page]

I support the finding of good cause.

By: 

MELODY J. BROWN
Senior Assistant Deputy Attorney General

I, too, support the finding of good cause.

By: 

DONALD J. ZELENKA
Deputy Attorney General

January 9, 2025

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Appellate Case No. 2023-001596

PROOF OF SERVICE

I, Tommy Evans, Jr., hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Fourth Extension to file the Initial Brief of Respondent, Designation of Matter, and Proof of Service has been forwarded to Appellant's counsel, Wanda Carter via email today, January 9, 2025 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 9th day of January 2025.

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: Thursday, January 9, 2025 12:35 PM
To: wcarter@sccid.sc.gov
Cc: Leverett, Scott
Subject: The State v. Jesse Dewitt Osborne - Appellate Case No. 2023-001596
Attachments: Fourth Extension - Jesse Dewitt Osborne.pdf

Dear Ms. Carter,

Please find attached the Respondent's Fourth Motion for Extension to file the Initial Brief & Designation of Matter. This Motion will be filed with the South Carolina Court of Appeals today, January 9, 2024, along with a copy of this email. Thank you.

Sincerely,
Brandy Rankin

Brandy Rankin, Legal Assistant to Tommy Evans, Jr.
Office of the Attorney General
Post Office Box 11549
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