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Apr 18 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

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THE STATE,

RESPONDENT,

v.

DARIUS GRANT DICKEY,

APPELLANT.

Appellate Case No. 2024-000145

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

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The undersigned counsel would respectfully request a THIRD 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 April 30, 2025. In support of this motion, counsel would respectfully show the Court the following circumstances:

Respondent's Initial Brief of Respondent and Designation of Matter is due to be filed on Monday, April 21, 2025. The undersigned attorney has had a number of state, and federal matters to attend to since March 19, 2025. Specifically:

1. Counsel filed the Respondent's Response in Opposition to Motion for Summary Judgment and Motion to Strike [ECF #s 35 & 36], in the matter of Jonathan Michael Brown vs. Warden of Perry Correctional Institution, C/A No. 8:24-05077-JFA-WSB on March 21, 2025;
2. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Robert L. O'Shields vs. Warden of Tyger River, C/A No 5:24-6272-BHH-KDW on March 24, 2025;
3. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #23], and a Motion to Strike in the matter of Richard Douglas Waldrup vs. Warden Wilfredo Martell, C/A No. 9:24-03985-SAL-MHC on April 2, 2025;
4. Counsel also filed the Respondent's Response in Opposition to Rule 60(b) Motion, and Motion for Hearing [ECF #84] in the matter of Ryan Deleston vs. Warden Nelsen, C/A No. 0:20-717-TMC on April 2, 2025;
5. Counsel appeared before the South Carolina Court of Appeals for oral argument on behalf of the State in the matter of The State vs. Zachir D. McCall, Appellate Case No. 2022-000921 on Wednesday, April 9, 2025;
6. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Donald A. Partaka, #379920 vs. Warden of Allendale Correctional Institution, C/A No. 2:24-06409-SAL-MGB on April 14, 2025;
7. Counsel appeared before the South Carolina Court of Appeals for oral argument on behalf of the State in the matter of The State vs. Ray L. Kelly, Appellate Case No. 2022-001449 on Wednesday, April 16, 2025;
8. Counsel has been involved in working **on other matters in state and federal court.**

WHEREFORE, for good cause shown, counsel respectfully requests a third 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 May 21, 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  
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By: s/W. Joseph Maye  
W. JOSEPH MAYE  
ATTORNEYS FOR RESPONDENT

April 18, 2025.

I support the finding of good cause.

By:   
MELODY J. BROWN  
Senior Assistant 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 third 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, April 18, 2025 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 18<sup>th</sup> day of April, 2025.

*s/ Donna D'Alessio*  
\_\_\_\_\_  
Donna D'Alessio, Legal Assistant to  
W. Joseph Maye,  
Assistant Attorney General  
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