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May 27 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Greenwood County
The Honorable Frank R. Addy, Jr., Circuit Court Judge

THE STATE,

Respondent,

v.

XZARIERA OKEVIS GRAY,

Appellant.

Appellate Case No. 2024-000993

**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 June 26, 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 to all extension requests through May 21, 2025. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of matter are due today, May 27, 2025, pursuant to this Court's Order dated April 24, 2025. Undersigned counsel for Respondent has had a number of state and federal matters to attend since April 24, 2025, most notably in capital cases and federal actions, which include, but are limited to the following: emailed response to *Fisburne*¹ objections

¹ *Fisburne v. State*, 427 S.C. 505, 513, 832 S.E.2d 584, 588 (2019) (setting out that counsel for both parties should carefully review proposed orders). “[c]ounsel preparing proposed orders should be meticulous in doing so, opposing counsel should call any omissions to the attention of the PCR judge prior to issuance of the order”) (quoting *Pruitt v. State*, 310 S.C. 254, 256, 423 S.E.2d 127, 128 (1992)).

to proposed order of dismissal in a capital PCR action (*Louis Winkler, April 29, 2025*); reply to petitioner's motion re: removal of counsel in a capital federal habeas corpus action (*James Robertson, May 2, 2025*); prepared exhaustion letter to our Supreme Court to notify that no stay remained in place to prevent issuance of execution notice (*Stephen Stanko, May 5, 2025*); completed and filed a final brief of respondent in a non-capital murder direct appeal (*Diontrae Epps, May 5, 2025*); prepared and filed a six-month status report in a stayed non-capital federal habeas corpus action (*Henry Dukes, May 6, 2025*); prepared and filed a return and memorandum of law in support of motion for summary judgment in a non-capital federal habeas corpus action (*Steven Gillian, May 7, 2025*); prepared and filed a response to Rule 60 motion in a non-capital federal habeas corpus action (*Terrell McCoy, May 8, 2025*); prepared and filed response to motion to remand to attempt reconstruction and to preserve audio recordings and records in a non-capital murder direct appeal (*Brandon Corder, May 12, 2025*); prepared and filed a return to petition for writ of certiorari in a non-capital murder direct appeal (*Tremaine Johnson, May 12, 2025*); prepared with co-counsel a response to a Rule 59 motion in a capital PCR action (*Ricky Blackwell, May 16, 2025*); prepared, circulated and submitted a proposed order of dismissal in a capital PCR action mooted by execution (*Freddie Owens, May 19, 2025*); reviewed and filed a status reported in a stayed capital federal habeas action (*Anthony Woods, May 19, 2025*); requested, prepared for, and attended status conference in a capital PCR action (*Jerome Jenkins, May 27, 2025*); prepared a response to motion to file initial brief and designation of matter out of town and a motion to dismiss in an interlocutory appeal related to a non-capital murder charge (*Ryan Manigo, May 22, 2025*); prepared and filed a return to motion for execution method certification oversight in a pending execution matter (*Stephen Stanko, May 23, 2025*); submitted a proposed scheduling order in a capital PCR action (*Jermone Jenkins, May 27, 2025*); and, completed and filed a status report

in the Supreme Court of South Carolina regarding that same pending capital PCR action (*Jerome Jenkins, May 27, 2025*).

Due to counsel's involvement in the above listed matters, and other matters pending in state and federal court currently being reviewed, 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. However, substantial review of the materials in this matter is presently occurring and the undersigned has associated help in completing the briefing in an attempt to prevent further extensions.

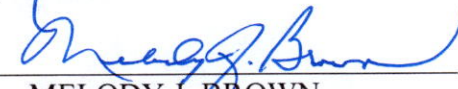
WHEREFORE, counsel respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter. This request is made in good faith, and not for the purposes of delay.

Respectfully Submitted,

ALAN WILSON
Attorney General

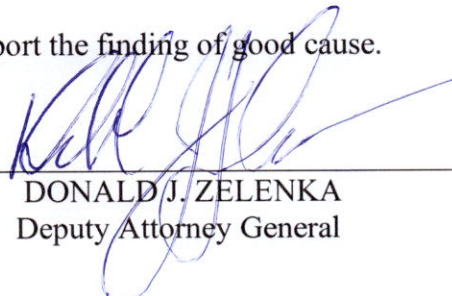
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By: 
MELODY J. BROWN
S.C.Bar No. 14244
ATTORNEYS FOR RESPONDENT

May 27, 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, Sarah E. Shipe, Esquire, via email today, May 27, 2025 to sshipe@sccid.sc.gov and to her assistant Kaylynn Warren at Kwarren@sccid.sc.gov.

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

This is the 27th day of May, 2025.

s/ Angela Brown

Assistant to Melody J. Brown

Senior Assistant Deputy Attorney General

Angela Brown

From: Angela Brown
Sent: Tuesday, May 27, 2025 3:22 PM
To: Shipe, Sarah; Warren, Kaylynn
Cc: Melody Brown
Subject: The State v. Xzariera Gray (2024-000993)
Attachments: Gray, Xzariera - Motion for Extension for IBOR.pdf

Ms. Shipe, please find attached the State's Motion for Extension of Time to serve and file the Initial Brief of Respondent and Designation of Matter for the above referenced appeal. The motion will be electronically filed with the South Carolina Court of Appeals on today's date.

Thank you,
Angela Bennett Brown, Administrative Coordinator II
Office of the South Carolina Attorney General
Criminal Division | Office 803-734-0368 | Abennett@scag.gov
P.O. Box 11549 | Columbia, SC 29211



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