

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
The Honorable Thomas W. Cooper, Circuit Court Judge

Appellate Case No. 2017-002213

THE STATE,

vs.

RICKY LAMONT ESAW,

Respondent,

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SC Court of Appeals

Appellant.

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

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Initial Brief of Respondent in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief is due today, December 3, 2018, upon this Court's grant of Respondent's first request for an extension filed on November 2, 2018. Specifically,

1. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Juan M. Nimmons, #256828 vs. Warden, Lieber Correctional Institution, C/A No. 8:18-1919-JFA-JDA on November 13, 2018;

2. Counsel prepared the Return to Application for Post-Conviction Relief in the

capital Horry County murder matter of Luzenski Allen Cottrell vs. State of South Carolina, 2018-CP-26-5709, on November 14, 2018;

3. Counsel argued it's Summary Judgment Motion in the capital Beaufort County murder Post-Conviction Relief action of Abdiyyah Ben Alkebulanyahh, #6012 vs. State of South Carolina, 2014-CP-07-2994 on November 19, 2018;

4. Counsel filed Respondent's Reply to Response in Opposition to Motion for Summary Judgment in the matter of Martina Putnam, #334375 vs. Warden Yeldell, C/A No. 2:18-1094-RMG-MGB on November 21, 2018; and

5. Counsel also filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #26] in the matter of David Smith, #360603 vs. State of South Carolina, C/A No.: 0:18-1442-RMG-PJG today, December 3, 2018.

However, due to counsel's involvement in these and other matters pending in state and federal court, counsel is unable to timely complete the Initial Brief of Respondent in this proceeding. Thus, counsel is requesting an extension of time in which to file the Initial Brief in this matter. This request is made in good faith, and not for the purposes of delay.

WHEREFORE, premises considered, counsel hereby respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter.

Respectfully submitted,


ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General
ID No. 5758

MELODY J. BROWN

Senior Assistant Deputy Attorney General

W. JOSEPH MAYE
Assistant Attorney General
I.D. No. 100851

By: 
W. JOSEPH MAYE

ATTORNEYS FOR RESPONDENT

December 3, 2018.

STATE OF SOUTH CAROLINA
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THE STATE,

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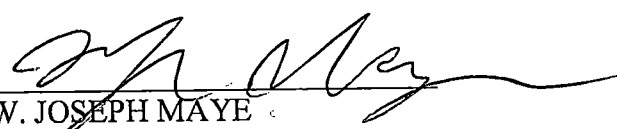
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PROOF OF SERVICE

I, W. Joseph Maye, of counsel for the Respondent, certify that I have served two (2) copies of the within motion for a second extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to his attorney of record, Susan B. Hackett, Esquire, SCCID/Division of Appellate Defense, 1330 Lady Street, Suite 401, Columbia, South Carolina 29201.

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

This 3rd day of December, 2018.


W. JOSEPH MAYE
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

December 3, 2018

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: *The State v. Ricky L. Esaw*
Appeal from Lexington County
Appellate Case No. 2017-002213

Dear Ms. Kitchings:

I hereby request an extension of thirty (30) days in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. The Initial Brief is currently due to be served and filed today, December 3, 2018. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Initial Brief.

Therefore, I am enclosing an original and six (6) copies of a Motion for Second Extension to File Initial Brief of Respondent and Designation of Matter. I am advising counsel for Appellant by copy of this letter.

Sincerely,

W. Joseph Maye
Assistant Attorney General

WJM/dmd
Enclosures

cc: Susan B. Hackett, Esq. (w/two copies of encls.)

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