

**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,

Respondent,

vs.

RICKY LAMONT ESAW,

Appellant.

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**MOTION FOR THIRD 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 to be filed on Wednesday, January 2, 2019, upon this Court's grant of Respondent's second request for an extension filed on December 6, 2018. Respondent has contacted Appellant's counsel and has obtained her consent to this extension request. Specifically,

1. Counsel 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 on December 3, 2018;

2. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Sentrell Lee McCullough vs. Aaron S. Joyner, C/A No. 0:18-2278-DCC-PJG on December 10, 2018;

3. Counsel filed the Respondent's Response to Petitioner's Rule 59 Motion to Reconsider in the matter of James Edward Johnson, #353643 vs. Charles Williams, Warden, C/A No. 0:18-673-BHH-PJG, also on December 10, 2018;

4. Counsel filed the Supplemental Return and Memorandum of Law in Support of Motion for Summary Judgment, and Re-Newed Motion for Summary Judgment in the matter of Travis McLaughlin, #291562 vs. Warden Leroy Cartledge, C/A No. 2:17-01817-BHH-MGB on December 13, 2018;

5. Counsel filed Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF#30] in the matter of Juan M. Nimmons, #256828 vs. Warden Lieber Correctional Institution, C/A No. 8:18-1919-JFA-JDA, also on December 13, 2018;

6. Counsel was out of the office on December 17, 2018 on sick leave;

7. Counsel filed the Respondent's Reply to Petitioner's Response to Motion for Summary Judgment and Motion to Strike in the matter of Bernardo Evans, #361706 vs. Randall Williams, Warden, C/A No. 6:18-1238-JFA-KFM on December 18, 2018;

8. Counsel filed the Respondent's Response to Motion for Stay in Advance Pursuant to Federal Rules of Civil Procedure [ECF #14] in the matter of Termain Cooper, #286396 vs. Warden Aaron Joyner, C/A No. 8:18-2692-RMG-JDA on December 27, 2018; and

9. Counsel prepared and submitted the Proposed Order of Dismissal in the Beaufort County Capital Post-Conviction Relief matter of Abdiyyah Ben Alkebulanyahh, #6012, a/k/a Tyree Roberts vs. State of South Carolina, C/A No. 2014-CP-07-2994 on December 28, 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

MELODY J. BROWN
Senior Assistant Deputy Attorney General

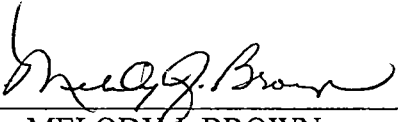
W. JOSEPH MAYE
Assistant Attorney General
I.D. No. 100851

By: 
W. JOSEPH MAYE

ATTORNEYS FOR RESPONDENT

December 31, 2018.

I support the finding of good cause.

By: 

MELODY J. BROWN
Senior Assistant Deputy Attorney General

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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The Honorable Thomas W. Cooper, Circuit Court Judge

Appellate Case No. 2017-002213

THE STATE,

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Appellant.

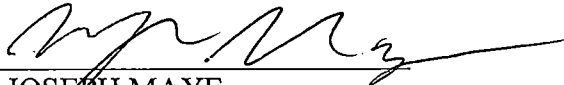
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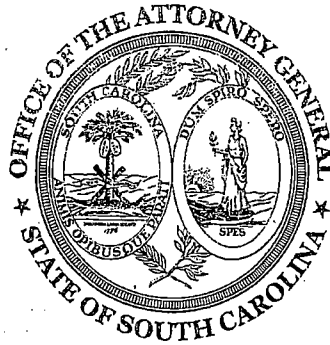
PROOF OF SERVICE

I, W. Joseph Maye, of counsel for the Respondent, certify that I have served two (2) copies of the within motion for a third 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 31st 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 31, 2018

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

RECEIVED
DEC 31 2018
SC Court of Appeals

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 on Wednesday, January 2, 2019. 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 Third Extension to File Initial Brief of Respondent and Designation of Matter. Counsel for Appellant has consented to this extension request.

Sincerely,

W. Joseph Maye
Assistant Attorney General

WJM/dmd
Enclosures

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

