

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County
The Honorable Deadra L. Jefferson, Circuit Court Judge

Appellate Case No. 2018-000448

RECEIVED
JUN 24 2019
SC Court of Appeals

THE STATE,

Respondent,

vs.

NICK RUSSELL EVANGELISTA,

Appellant.

**MOTION FOR FOURTH 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, June 24, 2019, upon this Court's grant of Respondent's third request for an extension filed on May 28, 2019. Appellant's counsel has graciously consented to this extension request. Specifically,

1. Counsel filed the Initial Brief of Respondent and Designation of Matter in the matter of The State vs. Demontay Markeith Payne, Appellate Case No. 2017-002014, a Barnwell County murder appeal matter on May 28, 2019;

2. Counsel filed the Reply to Response in Opposition in the matter of George Smith #329531 v. Aaron Joyner, C/A No. 5:18-02086-HMH-KDW on June 3, 2019;

3. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Chuck Edward McCullough, #311608 vs. Warden G. Dodkin, C/A No. 4:19-388-MGL-TER on June 5, 2019;

4. Counsel filed Respondent's Response to Motion for Summary Judgment [ECF #78], and Response to Motion to Amend/Correct Petition for Writ of Habeas Corpus [ECF #79] in the matter of Darrell L. Goss, #305517 vs. Warden Charles Williams, C/A No. 2:18-2938-BHH-MGB on June 6, 2019;

5. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #27] in the matter of Samuel Brown, Jr., #254907 vs. Warden, Ridgeland Correctional Institution, C/A No. 0:18-3250-DCC-PJG on June 7, 2019;

6. Counsel filed Respondent's Response to Motion for Extension of Time [ECF #24], and per Text Order [ECF #25], in the matter of Bryan Byrd, #305294 vs. Michael Stephan, Warden, C/A No. 2:18-3256-HMH-MGB on June 14, 2019;

7. Counsel is currently preparing the Initial Brief of Respondent in the matter of The State vs. Montrelle Lamont Campbell, Appellate Case No. 2018-000115, a Charleston County murder appeal matter now pending in the South Carolina Court of Appeals, and same is currently due to be filed on July 1, 2019; and

8. Counsel is out of the office today on sick leave.

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

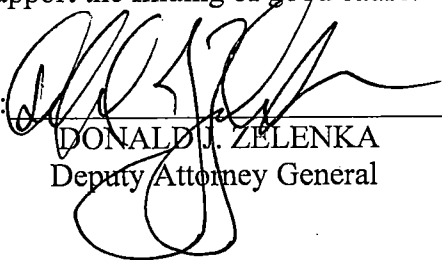
W. JOSEPH MAYE
Assistant Attorney General
I.D. No. 100851

By: 
W. JOSEPH MAYE

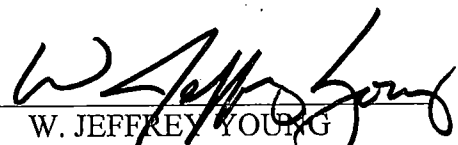
ATTORNEYS FOR RESPONDENT

June 24, 2019.

I support the finding of good cause.

By: 
DONALD J. ZELENKA
Deputy Attorney General

I further support the finding of good cause.

By: 
W. JEFFREY YOUNG
Chief Deputy Attorney General

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County
The Honorable Deadra L. Jefferson, Circuit Court Judge

Appellate Case No. 2018-000448

THE STATE,

Respondent,

vs.

NICK RUSSELL EVANGELISTA,

Appellant.

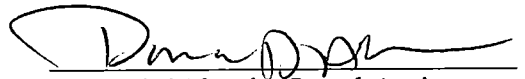
RECEIVED
JUN 24 2019
SC Court of Appeals

PROOF OF SERVICE

I, Donna D'Alessio, an employee of the Respondent, and legal assistant to W. Joseph Maye, certify that I have served two (2) copies of the within motion for a fourth extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to his attorney of record, Robert M. Dudek, Esq., 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 24th day of June, 2019.


Donna D'Alessio, Legal Assistant to
W. JOSEPH MAYE
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

June 24, 2019

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

Re: *The State v. Nick Russell Evangelista*
Appeal from Beaufort County
Appellate Case No. 2018-000448

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Fourth Extension of Time to File Initial Brief of Respondent and Designation of Matter, together with Proof of Service, in the above-referenced matter. Opposing counsel has graciously consented to this extension request.

Thank you for your assistance in this matter.

Sincerely,

W. Joseph Maye
Assistant Attorney General

WJM:dmd
Enclosures

cc: Robert M. Dudek, Esq. (w/two copies of encls.)

RECEIVED

JUN 24 2019

SC Court of Appeals