

STATE OF SOUTH CAROLINA
In the Court of Appeals

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

THE STATE,

Respondent,

v.

RICKY ANTHONY SHORT,

Appellant.

Appellate Case No. 2018-000782

**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. Opposing counsel has graciously consented to the request. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

Respondent's Initial Brief is due tomorrow, Wednesday, July 10, 2019 as per this Court's Order dated June 11, 2019 granting Respondent's first extension request. The undersigned attorney for the Respondent has completed part of the Initial Brief of Respondent but has had a number of state and federal matters to attend since June 7, 2019. Specifically,

1. Counsel for Respondent has been out of the office on medical leave and is on a reduced work schedule due to a continuous and on-going health condition;

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2. Counsel was out of the office **the entire week of June 10-14, 2019** for week long medical tests and screenings at Duke University Medical Center, Durham, North Carolina for a heart and kidney transplant. Counsel received word June 20, 2019 that he has been approved for transplant and placed on the transplant waiting list. Counsel was also out of the office **on Thursday, June 20, 2019** for an appointment in Charlotte, N.C. at the Carolinas Medical Center (CMC) for treatment of an infection due to the same or related on-going health condition;

3. Counsel drafted and completed Respondent's Response to Petitioner's Objections to the Report and Recommendation of the United States Magistrate in Pencille v. Joyner, C/A No. 1:18-2904-RMG-SVH (Federal Habeas Corpus) **on June 7, 2019**, but the Response was not filed because the District Court denied or overruled the objections before the due date of the Response;

4. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Joel Antwan Robinson, #351879 vs. Warden, Perry Correctional Institution, C/A No. 4:19-928-RMG-TER (Federal Habeas Corpus) **on June 12, 2019**;

5. Counsel is in the process of preparing a Return and Memorandum of Law in London Wooden v. Warden, Perry Correctional Institution, C/A No. 4:19-cv-00927-RMG-TER (Federal Habeas Corpus) and **it is near completion**;

6. Counsel is also **in the process** of preparing the Initial Brief of Respondent in State v. Nicholas McIver (Murder/Direct Appeal) to be filed in this Court, and

7. Counsel has been involved in working on other matters in state and federal court as well.

However, due to counsel's medical condition and treatment, and counsel's involvement in these and other matters, counsel is unable to timely complete the Initial Brief of Respondent and Designation of Matter in this matter.

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,

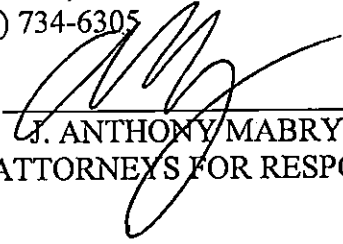
ALAN WILSON
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Senior Assistant Attorney General
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By: 

J. ANTHONY MABRY
ATTORNEYS FOR RESPONDENT

July 9, 2019.

STATE OF SOUTH CAROLINA
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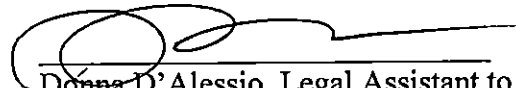
Appellate Case No. 2018-000782

PROOF OF SERVICE

I, Donna D'Alessio, an employee of the Respondent and legal assistant to J. Anthony Mabry, of counsel for the Respondent, certify that I have served two (2) copies of the motion for a second extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to Appellant's 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 9th day of July, 2019.


Donna D'Alessio, Legal Assistant to
J. Anthony Mabry
Office of the Attorney General
Post Office Box 11549
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(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

July 9, 2019

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
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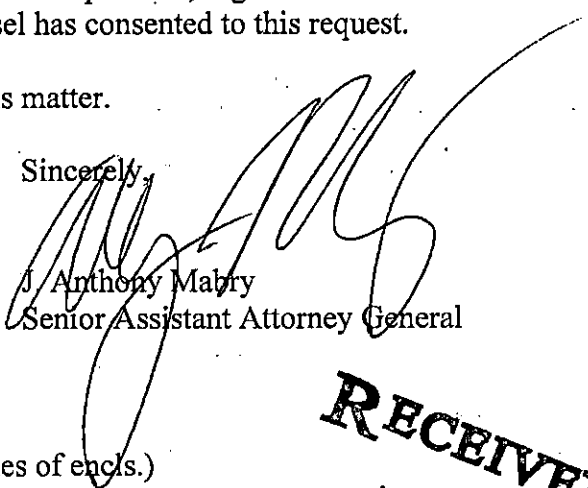
Re: *The State v. Ricky Anthony Short*
Appeal from Charleston County
Appellate Case No. 2018-000782

Dear Ms. Kitchings:

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

Thank you for your assistance in this matter.

Sincerely,


J. Anthony Mabry
Senior Assistant Attorney General

AJM:dmd
Enclosures

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

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