

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County
The Honorable Carmen T. Mullen, Circuit Court Judge

Appellate Case No. 2018-001242

THE STATE,

Respondent,

vs.

TYRONE ANTHONY WALLACE, JR.,

Appellant.

RECEIVED
AUG 19 2019
SC Court of Appeals

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, August 19, 2019, upon this Court's grant of Respondent's first request for an extension filed on July 19, 2019. Appellant's counsel has graciously consented to this extension request. Specifically,

1. Counsel prepared the Initial Brief of Respondent and Designation of Matter in The State vs. Nick Russell Evangelista, Appellate Case No. 2018-000448, a Beaufort County murder appeal matter on July 24, 2019;

2. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Lamar Dontray Williams, #285568 vs. Randall Williams, C/A No. 6:19-cv-1008-MGL-KFM on July 29, 2019;

3. Counsel filed the Respondent's Reply to Petitioner's Response in Opposition to Motion for Summary Judgment [ECF #33] in the matter of Bryan Byrd, #305294 vs. Michael Stephan, Warden, C/A No. 2:18-3256-HMH-MGB on August 5, 2019;

4. Counsel filed the Respondent's Response to Petitioner's Motion Requesting Immediate Release [ECF #46], and to Letter Re: Unconstitutional Burden Shifting Instruction Under Due Process [ECF #47], in the matter of Juan M. Nimmons, #256828 vs. Warden Lieber Correctional Institution, C/A No. 8:18-1919-JFA on August 7, 2019;

5. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #54] in the matter of Kevin Gilliard, #27537 vs. Warden Joyner, C/A No. 6:18-2417-MGL-KFM on August 15, 2019;

6. Counsel filed the Respondent's Response to Motion to Amend [ECF #35] in the matter of Dantonyo Heath, #263884 vs. Randall Williams, Warden, C/A No. 5:19-00433-DCN-KDW, also on August 15, 2019;

7. Counsel filed the Final Brief of Respondent in the matter of The State vs. Montrelle Lamont Campbell, Appellate Case No. 2018-000115, a Charleston County murder appeal matter on August 16, 2019;

8. Counsel is currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Michael D. Jackson, #294410 vs. Warden, Lee Correctional Institution, C/A No 4:19-179-TMC-TER which is due today, August 19, 2019;

9. Counsel is also preparing the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #70] in the capital Federal Habeas Corpus matter of Marion Bowman, Jr., #6006 vs. Bryan Stirling, Director, SCDC, and Willie D. Davis, Warden, Kirkland Correctional Institution, C/A No.: 9:18-00287-TLW-BM, which is also due today, August 19, 2019; and

10. Counsel is currently preparing the Petition for Writ of Certiorari in the capital matter of Ron O'Neal Finklea, SK6025 vs. State of South Carolina, Appellate Case No. 2019-001104, a Lexington County capital matter now pending before the South Carolina Supreme Court which is currently due to be filed on Wednesday, August 21, 2019.

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

August 19, 2019.

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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, 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 19th day of August, 2019.



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



ALAN WILSON
ATTORNEY GENERAL

August 19, 2019

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

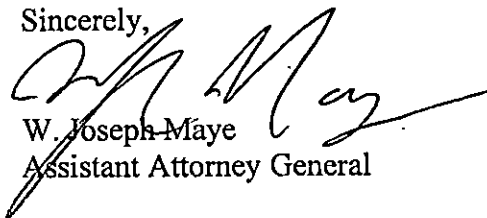
Re: *The State v. Tyrone Anthony Wallace, Jr.*
Appeal from Beaufort County
Appellate Case No. 2018-001242

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Second 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: Susan B. Hackett, Esq. (w/two copies of encls.)

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