

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Bamberg County  
The Honorable Doyet A. Early, Circuit Court Judge

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THE STATE,

Respondent,

v.

KWAMAINE JARELLE ROSS,

Appellant

Appellate Case No. 2018-001212

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**RECEIVED**  
SEP 05 2019  
SC Court of Appeals

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

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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 today, Thursday, September 5, 2019 as per this Court's Order dated August 6, 2019 granting Respondent's first extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since August 6, 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. Counsel has been out

of the office for medical tests and screenings at Duke University Medical Center, Durham, North Carolina for a heart and kidney transplant. Counsel received word that he has been approved for transplant and has been placed on the transplant waiting list. Counsel has also been out of the office for appointments 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. Counsel was out of the office on **Thursday, August 8, 2019** for an appointment and further tests at Duke University Medical Center, Durham, N.C., and is out of the office today, **Thursday, September 5, 2019** for an appointment at the Carolinas Medical Center (CMC), Charlotte, North Carolina for related on-going health condition;

2. Counsel filed the Respondent's Response to Motion to Appoint Counsel [ECF #55] in the matter of Maxwell E. Sipes, #320502 vs. Warden of Tyger River Correctional Institution, C/A No. 8:18-2842-RBH-JDA on **August 15, 2019**;

3. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #30], in the matter of London Wooden, #357930 vs. Warden, Perry Correctional Institution, C/A No. 4:19-927-RMG-TER on **August 30, 2019**;

4. Counsel also filed the Respondent's Status Report as per Text Order [ECF #33] in the matter of Kinjta Kadeem Sadler, #353966 vs. Charles Williams, Warden, C/A No. 8:19-0113-TMC-JDA on **September 3, 2019**;

5. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Kevin E. Herriott, #313862 vs. Wayne McCabe, C/A No. 6:19-00803-DCN-KFM also on **September 3, 2019**;

6. Counsel filed the Respondent's Reply to Response to Motion in Opposition to Motion for Summary Judgment [ECF #25] in the matter of Joel Antwan Robinson, #351879 vs.

Warden, Perry Correctional Institution, C/A No. 4:19-928-RMG-TER on September 4, 2019;  
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  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General

J. ANTHONY MABRY  
Senior Assistant Attorney General  
No. 11973

Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

By:   
\_\_\_\_\_  
J. ANTHONY MABRY  
ATTORNEYS FOR RESPONDENT

September 5, 2019.

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**PROOF OF SERVICE**

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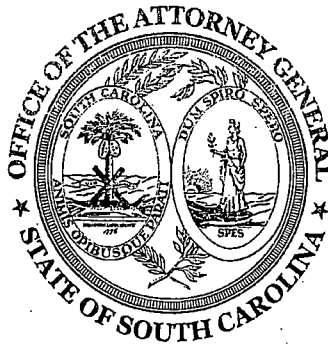
I, Donna D'Alessio, an employee of the Respondent and legal assistant to J. Anthony Mabry, of counsel for the Respondent, certify that I have served two (2) copies of the motion for a second extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to Appellant's attorney 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 5<sup>th</sup> day of September, 2019.



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



ALAN WILSON  
ATTORNEY GENERAL

September 5, 2019

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

Re: *The State v. Kwamaine Jarelle Ross*  
Appeal from Bamberg County  
Appellate Case No. 2018-001212

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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SEP 05 2019

SC Court of Appeals