

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**  
SEP 18 2019  
SC Court of Appeals

---

**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 today, September 18, 2019, upon this Court's grant of Respondent's second request for an extension filed on August 27, 2019. Appellant's counsel has graciously consented to this extension request. Specifically,

1. Counsel filed 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 on August 19, 2019;

2. Counsel filed 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, also on August 19, 2019;

3. Counsel filed a Motion to Hold Time Limits in Abeyance in the matter of Abdiyyah ben Alkebulanyahh vs. State of South Carolina, Appellate Case No. 2019-000529, a capital Post-Conviction Relief appeal now pending in the South Carolina Supreme Court on August 30, 2019;

4. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Toby Eugene Moore vs. Warden Charles Williams, C/A No. 1:19-1648-JMC-SVH on September 16, 2019; and

5. Counsel is also 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 Friday, September 20, 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.

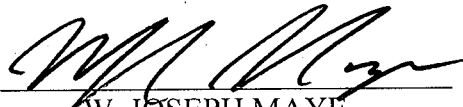
Respectfully submitted,

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.

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

---

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**  
SEP 18 2019  
SC Court of Appeals

---


**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, 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 18<sup>th</sup> day of September, 2019.

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



ALAN WILSON  
ATTORNEY GENERAL

September 18, 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 Third 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.)

**RECEIVED**  
SEP 18 2019  
SC Court of Appeals