

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
The Honorable Alex Kinlaw, Jr., Circuit Court Judge

Appellate Case No. 2018-001932

THE STATE,

Respondent,

RECEIVED

OCT 28 2019

SC Court of Appeals

vs.

DALE ELROY MATHIS,

Appellant.

**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, Monday, October 28, 2019, upon this Court's grant of Respondent's second request for an extension filed on September 30, 2019. Appellant's counsel has graciously consented to this extension request. Specifically,

1. Counsel was out of the Office on Monday, September 23, 2019 through Wednesday, September 25, 2019 at the Solicitor's Conference, Myrtle Beach, South Carolina;

2. Counsel filed the Respondent's Response to Motion to Amend Petition [ECF #90] in the matter of Darrell L. Goss, #305517 vs. Warden Charles Williams, C/A No. 2:18-2938-BHH-MGB on October 1, 2019;

3. Counsel prepared the Return to First Amended Application for Post-Conviction Relief in the Horry County capital matter of Luzenski Allen Cottrell, #6020 vs. State of South Carolina, 2018-CP-26-5709 on October 2, 2019;

4. Counsel filed the Respondent's Response to Motion for Expedited Ruling or Alternatively, a Motion for Bail [ECF #93] in the matter of Darrell L. Goss, #305517 vs. Warden Charles Williams, C/A No. 2:18-2938-BHH-MGB on October 11, 2019;

5. Counsel filed the Initial Brief of Respondent in the Beaufort County murder appeal matter of The State vs. Tyrone A. Wallace, Jr., Appellate Case No. 2018-001242, now pending in the South Carolina Court of Appeals on October 18, 2019;

6. Counsel also filed the Final Brief of Respondent in the Beaufort County murder appeal matter of The State vs. Nick Evangelista, Appellate Case No. 2018-000448, now pending in the South Carolina Court of Appeals on October 23, 2019;

7. Counsel also prepared 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 being filed today, October 28, 2019; and

8. Counsel is also preparing the Respondent's Reply to the Response in Opposition to Motion for Summary Judgment [ECF #46] in the matter of Dantonyo Heath, #263884 vs. Randall Williams, Warden, C/A No. 5:19-00433-DCN-KDW.

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:

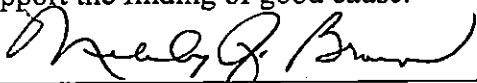

W. JOSEPH MAYE

ATTORNEYS FOR RESPONDENT

October 28, 2019.

I support the finding of good cause.

By:



Melody J. Brown,
Senior Assistant Deputy Attorney General

STATE OF SOUTH CAROLINA
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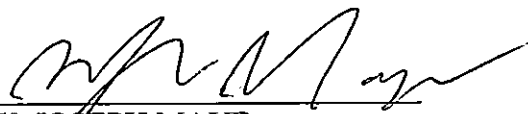
SC Court of Appeals

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, Lara M. Caudy, 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 28th day of October, 2019.


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



ALAN WILSON
ATTORNEY GENERAL

October 28, 2019

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

Re: *The State v. Dale Elroy Mathis*
Appeal from Greenville County
Appellate Case No. 2018-001932

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: Lara M. Caudy, Esq. (w/two copies of encls.)

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