

STATE OF SOUTH CAROLINA
In the Court of Appeals

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

THE STATE,

v.

KWAMAINE JARELLE ROSS,

Respondent,
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Appellant.
SC Court of Appeals

Appellate Case No. 2018-001212

**MOTION FOR FOURTH 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 today, Wednesday, November 6, 2019 as per this Court's Order dated October 11, 2019 granting Respondent's third extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since October 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. Counsel has been

approved for transplant and placed on the transplant waiting list at Duke University Medical Center, Durham, North Carolina for a heart and kidney transplant. Counsel was out of the Office 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;

2. Counsel filed the Initial Brief of Respondent in the matter of The State vs. Ricky Anthony Short, Appellate Case No. 2018-000782, a Charleston County murder appeal matter now pending in the South Carolina Court of Appeals on **October 9, 2019**;

3. Counsel filed the Respondent's Response to Motion for Evidentiary Hearing [ECF #76] in the matter of Kevin E. Herriott, #313862 vs. Wayne McCabe, C/A No. 6:19-00803-DCN-KFM on **October 18, 2019**;

4. Counsel filed the Respondent's Return to Petition for Writ of Certiorari in the Beaufort County murder appeal matter of The State vs. Aaron Young, Sr., Appellate Case No. 2019-001595 now pending in the South Carolina Supreme Court on **October 21, 2019**;

5. Counsel is currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Willie Bell, Jr., #254817 vs. Lavern Cohen, C/A No. 1:19-cv-2270-MGL-SVH, (Murder) which is currently due to be filed on December 2, 2019;

6. Counsel is also currently preparing the Brief of Respondent in The State v. James Elbert Daniels, Jr., Appellate Case No. 2018-001630, an appeal from Horry County (Murder & Armed Robbery) to be filed in this Court;

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. Opposing counsel has graciously consented to this request; and

8. Undersigned counsel, cognizant of the number of extensions, will prioritize the completion of this brief and will diligently work on the brief during the time requested.

WHEREFORE, for extraordinary circumstances shown, 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.

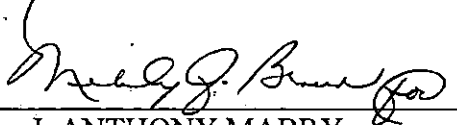
Respectfully Submitted,

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 29210
(803) 734-6305


By: 
J. ANTHONY MABRY
ATTORNEYS FOR RESPONDENT

November 6, 2019.

I support the finding of extraordinary circumstances.

By: 
DONALD J. ZELENKA
Deputy Attorney General

I also support the finding of extraordinary circumstances.

By: 
W. JEFFREY YOUNG
Chief Deputy Attorney General

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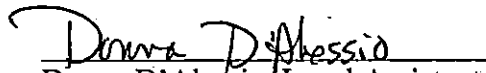
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PROOF OF SERVICE

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 fourth 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 6th day of November, 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

November 6, 2019

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

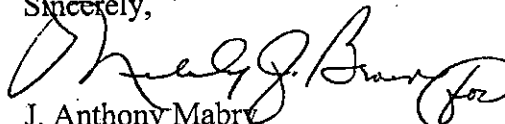
Re: *The State v. Kwamaine Jarelle Ross*
Appeal from Bamberg County
Appellate Case No. 2018-001212

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Fourth 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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