

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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

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THE STATE,

Respondent,

v.

WILLIAM T. GULE, JR.,

Appellant

Appellate Case No. 2018-001848

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**RECEIVED**

DEC 13 2019

SC Court of Appeals

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**MOTION FOR THIRD 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, Friday, December 13, 2019 as per this Court's Order dated November 15, 2019 granting Respondent's second extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since November 13, 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 Respondent's Response to Motion to Compel (ECF #31) in the matter of Alonzo C. Jeter, III, #282902 vs. Barry Tucker, C/A No.2:19-1945-MGL-MGB on **November 15, 2019**;

3. Counsel prepared the Initial Brief of Respondent in the matter of The State vs. James Elbert Daniels, Jr., Appellate Case No. 2018-001630, a murder appeal from Horry County now pending in the South Carolina Court of Appeals on **November 22, 2019**;

4. Counsel filed the Final Brief of Respondent in the matter of The State vs. Anthony Short, Appellate Case No. 2018-000782, a Charleston County murder appeal now pending in the South Carolina Court of Appeals on **November 26, 2019**;

5. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Willie Bell, Jr., #254817 vs. Levern Cohen, C/A No. 1:19-cv-2270-MGL-SVH, (Murder) on **December 2, 2019**; and

6. Counsel filed the Initial Brief of Respondent and Designation of Matter in the matter of The State vs. Kwamaine J. Ross, Appellate Case No. 2018-001212, a Bamberg County murder appeal now pending in this Court on **December 6, 2019**;

7. Counsel is currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Andre Massey vs. Warden, Tallahatchie Correctional Institution, C/A No. 8:19-2876-HMH-JDA, a Federal Habeas matter now due on January 6, 2020;

8. Counsel is also preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Quentin R. Jenkins vs. Warden Leveran Cohen, C/A 9:19-1461-TMC-BM, another Federal Habeas matter which is currently due to be filed on January 2, 2020;

9. Counsel for Respondent has done a substantial amount of work preparing the Initial Brief of Respondent in this matter; and

10. 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.

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.

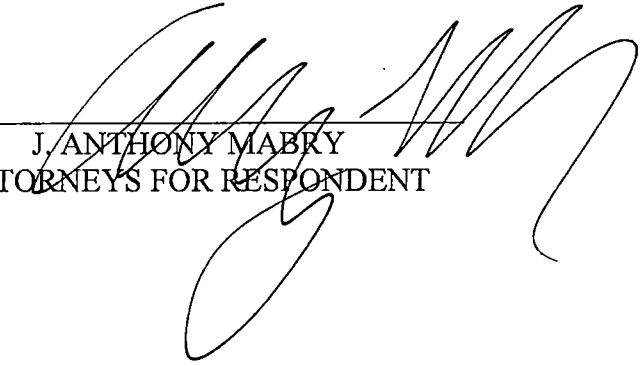
Respectfully Submitted,

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

December 13, 2019.

I support the finding of good cause.

By:   
MELODY J. BROWN

Senior Assistant Deputy Attorney General

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**PROOF OF SERVICE**

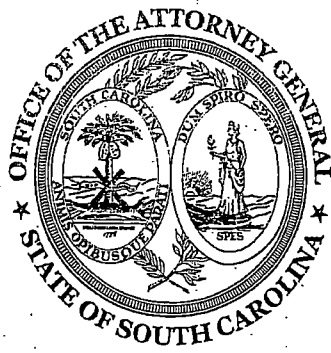
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I, Donna D'Alessio, an employee of the Respondent and legal assistant to J. Anthony Mabry, of counsel for the Respondent, certify that I have served two (2) copies of the motion for a third extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail, postage prepaid to Appellant's attorney of record, Dayne C. Phillips, Esq., Price, Benowitz, LLP, 1614 Taylor Street, Suite D, Columbia, South Carolina 29201.

I further certify that all parties required by Rule to be served have been served.

This 13<sup>th</sup> day of December, 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

December 13, 2019

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

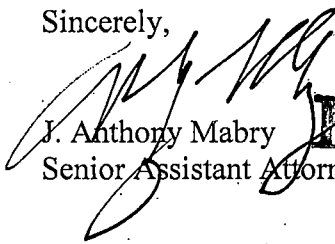
Re: *The State v. William T. Gule, Jr.*  
Appeal from Charleston County  
Appellate Case No. 2018-001848

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Third Motion for Extension of Time to File Initial Brief of Respondent, together with Proof of Service, in the above-referenced matter. Opposing counsel has graciously consented to this request.

Thank you for your assistance in this matter.

Sincerely,

  
J. Anthony Mabry  
Senior Assistant Attorney General

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AJM:dmd  
Enclosures

cc: Dayne C. Phillips, Esq. (w/two copies of encls.)