

STATE OF SOUTH CAROLINA
In the Court of Appeals

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

THE STATE,

Respondent,

v.

WILLIAM T. GULE, JR.,

Appellant.

Appellate Case No. 2018-001848

**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, Monday, January 13, 2020 as per this Court's Order dated December 16, 2019 granting Respondent's third extension request. The undersigned attorney for the Respondent has completed a portion of the Brief of Respondent but has personal medical issues and has had a number of state and federal matters to attend since December 13, 2019.

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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 had two (2) doctor's appointment in Charlotte, North Carolina on **January 9, 2020** due to said on-going health condition [infection at LVAD entry site & changing of medical equipment]; and, undersigned counsel for Respondent was on sick leave Thursday, January 2, 2020.

2. Counsel attended the parole hearing in the matter of Faren Gibbs, #222138, a Spartanburg county **murder and armed robbery** matter on Wednesday, **January 8, 2020** [counsel prosecuted the case for the State];

3. Counsel filed the Respondent's Response to Petitioner's Objections to the Report and Recommendation [ECF #71] in the matter of Maxwell E. Sipes, #320502 vs. Warden of Tyger River Correctional Institution, C/A No. 8:18-2842-RBH-JDA (CSC 1st) on **December 16, 2019**;

4. Counsel filed the Respondent's Response to Petitioner's Objection to the Report and Recommendation in the matter of Joel Antwan Robinson, #251879 vs. Warden, Perry Correctional Institution, C/A No. 4:19-928-RMG-TER (Federal Habeas Corpus) [Murder & ABWIK] on **December 27, 2019**;

5. Counsel filed the Respondent's Objection to Report and Recommendation [ECF #32] in the matter of London Wooden, #357930 vs. Warden, Perry Correctional Institution, C/A No. 4:19-927-RMG-TER (Federal Habeas Corpus) [Murder & Burglary 1st Degree] on **December 30, 2019**;

6. Counsel filed the Final Brief of Respondent in the matter of The State vs. James Elbert Daniels, Jr., Appellate Case No. 2018-001630, an Horry County murder appeal matter now pending in the South Carolina Court of Appeals on **January 10, 2020**;

7. Counsel is currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Andre Massey, #229492 vs. Warden, Tallahatchie Correctional Institution, C/A No. 8:19-cv-2876-HMH-JDA (Federal Habeas Corpus) (Armed Robbery [LWOP]), and it is near completion;

8. Counsel is preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Quentin R. Jenkins, #326584 vs. Warden, Lavern Cohen, C/A No. 9:19-cv-1461-TMC-BM (Federal Habeas Corpus)[Murder (2 Counts)] and it is near completion;

9. Counsel is also preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Timothy Donald Dingle vs. Warden of Lieber Correctional Institution, C/A No. 9:19-2426-HMH-BM (Federal Habeas Corpus)[Murder (2 counts) and Arson 1st Degree];

10. Further, the Office of the Attorney General was closed for the Holidays on Tuesday, December 24, 2019 through Thursday, December 26, 2019, and Wednesday, January 1, 2020;

11. Counsel for Respondent has done a significant amount of work preparing the Initial Brief of Respondent in this matter and will continue to work on the same and a law clerk is assisting counsel on the matter to help in its completion; and

12. 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, and State holidays, counsel was unable to timely complete the Initial Brief of Respondent and Designation of Matter in this matter. Opposing counsel has graciously consented to this extension 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

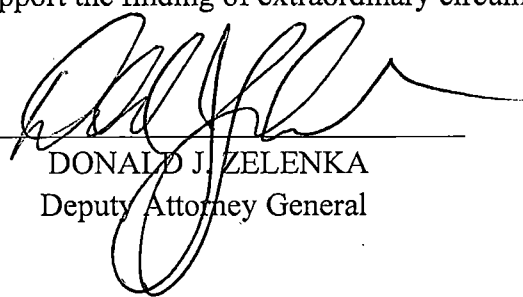
J. ANTHONY MABRY
Senior Assistant Attorney General
No. 11973
Post Office Box 11549
Columbia, South Carolina 29210
(803) 734-6305

By: 

J. ANTHONY MABRY
ATTORNEYS FOR RESPONDENT

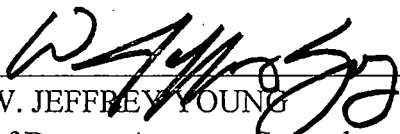
January 13, 2020.

I support the finding of extraordinary circumstances.

By: 

DONALD J. ZELENKA
Deputy Attorney General

I further support the finding of extraordinary circumstances.

By: 
W. JEFFREY YOUNG
Chief Deputy Attorney General

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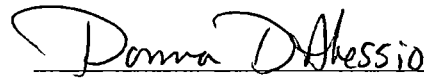
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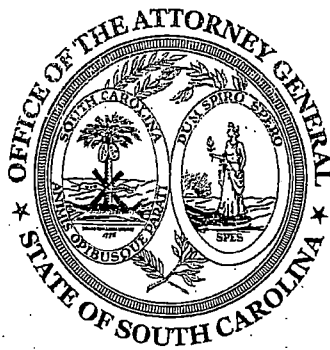
I, Donna D'Alessio, an employee of the Respondent and legal assistant to J. Anthony Mabry, of counsel for the Respondent, certify that I have served two (2) copies of the motion for a fourth extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail, postage prepaid to Appellant's 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 13th day of January, 2020.



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

January 13, 2020

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

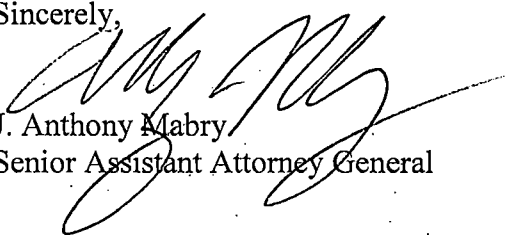
Re: *The State v. William T. Gule, Jr.*
Appeal from Charleston County
Appellate Case No. 2018-001848

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's 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 graciously consented to this request.

Thank you for your assistance in this matter.

Sincerely,


J. Anthony Mabry
Senior Assistant Attorney General

AJM:dmd
Enclosures

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

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