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Jun 24 2020

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

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

THE STATE,

Respondent,

v.

RAKEEM J.J. WHITE,

Appellant.

Appellate Case No. 2019-000403

**MOTION FOR SECOND 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, Lara M. Caudy, Esq., Appellate Defender has consented to extension requests through June 30, 2020. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

Respondent's Initial Brief is due today, Wednesday, June 24, 2020. The undersigned attorney has had a number of state and federal matters to attend since May 22, 2020. Specifically,

1. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Eric Vancleave, #354843 vs. Bryan Stirling and Michael Stephen, C/A No. 0:20-99-RMG-PJG on May 26, 2020;
2. Counsel filed the Respondent's Response to Motion to Appoint Counsel [ECF #22], and Motion for Bond Hearing [ECF#23] in the matter of Jeron A. Cook vs. Warden Kenneth Nelson, C/A No. 0:20-173-MGL-PJG on June 1, 2020;
3. Counsel filed the Final Brief of Respondent in The State vs. Roger D. Grate, Appellate Case No. 2019-000472, an Horry County murder appeal matter on June 3, 2020;
4. Counsel filed the Respondent's Response in Opposition to Motion to Alter Judgment in the capital Federal Habeas matter of Marion Bowman vs. Bryan Stirling and Willie Davis, C/A No. 9:18-00287-TLW on June 15, 2020;
5. Counsel filed Respondent's Response in Opposition to Second Motion to Expand the Record [ECF#59] in the matter of George A. Cousins vs. Warden Kendall, C/A No. 8:19-03021-TMC-JDA on June 22, 2020;
6. Counsel is currently reviewing the Transcript of Record for preparation of the Initial Brief of Respondent in the matter of The State vs. Bradford Hester Williams, Appellate Case No. 2017-001753. Counsel was able to obtain a copy of State's Exhibit #53 – CD – Audio Interview of Mitchell Sloan, and is currently in the process of drafting the Initial Brief of Respondent;
7. Counsel is also currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Jeron A. Cook vs. Warden, Kenneth Nelsen, C/A No. 0:20-cv-173-MGL-PJG, which is currently due to be filed on Monday, June 29, 2020;

8. Counsel is preparing the proposed Order of Dismissal in the Lexington County Post-Conviction Relief matter of James Walter Quick vs. State of South Carolina, 2015-CP-32-1896 as per the request of the Honorable J. Derham Cole; and

9. Counsel has also been out of the office due to family medical leave.

Due to counsel's involvement in these and other matters pending in state and federal court, counsel for Respondent moves this Court to enlarge the time for filing the response by granting a thirty (30) day extension up to and including July 24, 2020. This request is made in good faith, and not for the purpose of delay.

WHEREFORE, for good cause 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,

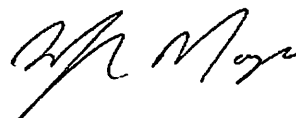
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June 24, 2020.

By: W. Joseph Maye
ATTORNEYS FOR RESPONDENT

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PROOF OF SERVICE

I, Donna D'Alessio, am an employee of the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Second extension of time to file Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Lara M. Caudy, Esq., via email today, June 24, 2020 to lcaudy@sccid.sc.gov, and to her assistant lmattthews@sccid.sc.gov and by depositing one copy of the same in the United States mail, postage prepaid, and addressed 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 24th day of June, 2020.



Donna D'Alessio,
Legal Assistant to W. Joseph Maye
Assistant Attorney General

Donna D'Alessio

From: Donna D'Alessio
Sent: Wednesday, June 24, 2020 11:25 AM
To: Lara Caudy (lcaudy@sccid.sc.gov)
Cc: lmatthews@sccid.sc.gov
Subject: State vs. White, Rakeem J.J. - Appellate Case No. 2019-000403, 2nd ext of time to file Initial Brief of Respondent
Attachments: White, Rakeem J.J. - Appellate Case No. 2019-000403 - 2nd Ext of time to file Initial Brief of Respondent 6-24-2020 (02310047xD2C78).pdf

Dear Ms. Caudy:

Attached is a scanned copy of the Respondent's Second Motion for Extension of Time to File Initial Brief of Respondent and Designation of Matter regarding the above matter. A paper copy is being mailed to you this afternoon. The Second Extension Motion is being submitted to the South Carolina Court of Appeals through e-filing, along with a copy of this email.

Hope you are well, and thank you.

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