

Jul 22 2020

SC Court of Appeals

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Charleston County
The Honorable R. Markley Dennis, Jr., Circuit Court Judge

Appellate Case No. 2019-000938

THE STATE,

Respondent,

vs.

DEVIN JAMEL JOHNSON,

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, July 22, 2020, upon this Court's grant of Respondent's second request for an extension filed on June 22, 2020.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since June 22, 2020. Specifically,

1. Counsel has been reviewing matters due to his involvement as Chairman on the Office of the Attorney General's Appellate Decision Review Committee. The Committee was

formed to review all adverse decisions in Capital, Federal Habeas, Direct Appeals, and Post-Conviction Relief matters, and to determine whether the State will appeal these rulings. In the last thirty days, counsel has reviewed the following matters: On June 24, 2020, *The State v. Christian Anthony Himes*, Appellate Case No. 2017-000870, a Dorchester County direct appeal matter. On July 1, 2020, *The State v. Robin Renee Herndon*, Appellate Case No. 2019-000467, an Aiken County criminal appeal matter. On July 16, 2020, *Myles James Dunne v. The State*, C/A No. 2019-CP-28-796, a Kershaw County post-conviction relief matter. From July 15-21, 2020, *The State v. Jermaine Bell*, Appellate Case No. 2017-001500, a Chester County direct appeal matter. On today's date, *Jonathan Matthew Holder v. The State*, C/A No. 2018-CP-39-00576, a Pickens County post-conviction relief matter.

2. Counsel filed the Initial Brief of Respondent and Designation of Matter in the matter of The State v. Terriel Leshawn Mack, Appellate Case No, 2019-000521, a Florence County direct appeal matter;

3. Counsel filed the Initial Brief of Respondent and Designation of Matter in the matter of The State v. Zantravious Randell Hall, Appellate Case No. 2018-002176, a Greenwood County direct appeal matter;

4. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Dontavious H. Jackson, #343868 v. Warden Perry Correctional Institution, C/A No. 0:20-cv-841-TLW-PJG, on July 8, 2020;

5. Counsel is currently working on a Petition for Rehearing to be filed with this Court on July 23, 2020 in the matter of The State v. Jermaine Bell, Appellate Case No. 2017-001500, a Chester County direct appeal matter;

6. Counsel has been working on the Brief of Appellees/Respondents in the federal habeas death penalty matter of Gary Dubose Terry v. William R. Byars, Jr., Commissioner, SCDC, C/A No. 20-3, which is currently pending in the United States Court of Appeals for the Fourth Circuit; and

7. Counsel has also done some work preparing the Initial Brief of Respondent in this matter.

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 and Designation of Matter 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, for good cause shown, 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,

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By: s/William Edgar Salter, III
WILLIAM EDGAR SALTER, III
ATTORNEYS FOR RESPONDENT

July 22, 2020

I support the finding of good cause.

By: 
MELODY J. BROWN,
Senior Assistant Deputy Attorney General

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CERTIFICATE OF SERVICE

I, Angela Brown, am an employee of the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion for Third Extension of Time to File Initial Brief of Respondent and Designation of Matter, and Certificate of Service has been forwarded to Appellant's counsel, Susan B. Hackett, Esq., via email today, July 22, 2020 to shackett@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: Susan B. Hackett, 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 22nd day of July, 2020.



Angela Brown
Legal Assistant to William Edgar Salter, III
Senior Assistant Attorney General