

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

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Jul 31 2020

SC Court of Appeals

Appeal from Allendale County
Honorable Brooks P. Goldsmith, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TRIVON DAYSHAD YOUNG,

APPELLANT.

APPELLATE CASE NO. 2019-001217

**MOTION FOR LEAVE TO FILE SECOND EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND
DESIGNATION OF MATTER**

Respondent hereby moves for permission to file its Motion for Second Extension of Time to File the Initial Brief of Respondent and Designation of Matter out of time. The Initial Brief of Respondent was originally due to be filed on Monday, June 15, 2020. On that date, Respondent requested its first extension request. The Court granted Respondent's request and filed an Order extending the time for filing the Initial Brief of Respondent and Designation of Matter until July 16, 2020. Through inadvertence and mistake, Respondent overlooked this date for filing the Initial Brief of Respondent and Designation of Matter and did not realize this oversight until the Honorable V. Claire Allen, Chief Deputy Clerk of this Court, notified the undersigned counsel by letter dated July 30, 2020. Ms. Allen's letter further stated that:

Within ten days of the date of this letter, you must update the Court with the status of the initial brief of respondent and designation of matter, or the court will continue without consideration of a respondent's brief.

Respondent, however, would respectfully request a thirty (30) day extension up to including August 31, 2020 to serve and file the Initial Brief of Respondent and Designation of Matter. Respondent has had a number of state and federal matters to attend since June 15, 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. From July 22-24, *Jonathan Matthew Holder v. The State*, C/A No. 2018-CP-39-00576, a Pickens County post-conviction relief matter. On July 24, 2020, *Oshaun Joseph Robinson v. State of South Carolina*, C/A No. 2017-CP-23-2653, a Greenville County post-conviction relief matter.

2. On June 25, 2020, 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. On July 1, 2020, 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. On July 8, 2020, 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;

5. On July 23, 2020, counsel filed a Petition for Rehearing in the matter of *The State v. Jermaine Bell*, Appellate Case No. 2017-001500, a Chester County direct appeal matter; and

6. On July 27, 2020, counsel assisted in the filing of 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.

Opposing Counsel, Office of Appellate Defense, has graciously consented to the motion and request for extension of time by way of the thirty day general consent granted by Chief Appellate Defender Robert M. Dudek for all extensions through August 31, 2020.

Thus, by this motion, Respondent requests this Court to issue an Order allowing it to file the Motion for Second Extension of Time to File Initial Brief of Respondent and Designation of Matter out of time, and an Order granting an extension of thirty (30) days in which to serve and file the brief.

WHEREFORE, premises considered, Respondent respectfully requests this Court grant its request to file the Motion for Second Extension of Time to File the Initial Brief of Respondent and designation of matter out of time and grant the extension of time in which to file the brief and designation up to and including August 31, 2020.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General
No. 07979

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WILLIAM EDGAR SALTER, III

ATTORNEYS FOR RESPONDENT

July 31, 2020.

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The Honorable Brooks P. Goldsmith, Circuit Court Judge
Appellate Case No. 2019-001217

THE STATE,

RESPONDENT,

vs.

TRAIVON DAYSHAD YOUNG,

APPELLANT.

CERTIFICATE OF SERVICE

I, Brandy Rankin, as an employee of the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion for Leave to File Second Extension of Time to File Initial Brief of Respondent and Designation of Matter, and Certificate of Service has been forwarded to Appellant's counsel, Lara M. Caudy, Esq., via email today, July 31, 2020 to lcaudy@sccid.sc.gov, and Appellant's Assistant, Lindsey Matthews, lmatthews@sccid.sc.gov 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 31st day of July, 2020.



Brandy Rankin,
Legal Assistant to William Edgar Salter, III
Senior Assistant Attorney General

Brandy Rankin

From: Brandy Rankin
Sent: Friday, July 31, 2020 1:54 PM
To: 'lcaudy@sccid.sc.gov'
Cc: 'lmatthews@sccid.sc.gov'; Angela Bennett; Ed Salter
Subject: Traivon Dayshad Young - Motion for Leave to File Second Extension of Time to File Initial Brief of Respondent and Designation of Matter, and Certificate of Service
Attachments: Young, Traivon, Motion for Leave to File 2nd Ext. Request out of Time, 7-31-2020 (02340499xD2C78).pdf; Young, Traivon Dayshad, Appellate Case No. 2019-001217, Certificate of Service for Motion for Leave to File Second Extension of Time (02340493xD2C78).pdf
Follow Up Flag: Worldox

Dear Ms. Caudy,

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

Hope you are all well. Thank you.

Sincerely,

Brandy Rankin

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