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Sep 28 2020

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

**Appeal from Greenville County
The Honorable Letitia H. Verdin, Circuit Court Judge**

THE STATE,

Respondent,

v.

SAMUEL HAWKINS, JR.,

Petitioner.

Appellate Case No. 2019-001645

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

Respondent, the State, moves this Court for an additional thirty (30) day extension of time in which to file the Initial Brief of Respondent and Designation of Matter, which is currently due to be filed today, September 28, 2020. Counsel for Petitioner has graciously consented to extension requests through September 30, 2020. This is Respondent's second request for an extension of time in which to file the Brief. In support of the request, undersigned counsel for Respondent would respectfully show unto the Court the following:

1. Counsel has been working on the matter of Luzenski Allen Cottrell vs. State of South Carolina, Case No. 2018-CP-26-05709, an Horry County post-conviction relief death penalty matter, in preparation for upcoming depositions currently scheduled for the first week of October, as well as for the evidentiary hearing in December, 2020;

2. Counsel filed the Return to Petition for Writ of Certiorari in the matter of The State vs. Ronald Hakeem Mack, Appellate Case No. 2020-001101, a Williamsburg County murder appeal matter now pending in the South Carolina Supreme Court on September 18, 2020;

3. Counsel filed Respondent's Response in Opposition to Applicant's Motion for a New or Amended Scheduling Order in the capital Horry County PCR matter of Luzenski Allen Cottrell, #6020 v. State of South Carolina, 2018-CP-26-05709 on September 21, 2020;

4. Counsel filed Respondent's Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Ryan P. Deleston vs. Warden Nelsen, C/A No. 0:20-717-TMC-PJG on September 22, 2020;

5. Counsel is currently working on, and has nearly completed the Return and Memorandum of Law in Support of Motion for Summary Judgment currently due on September 30, 2020, in the matter of Derrick Antron Young vs. Warden of Evans Correctional Institution, C/A No. 6:19-03607-TMC-KFM.

Due to counsel's involvement in these and other matters in state and federal court, counsel is unable to complete the Initial Brief of Respondent and Designation of Matter in this action by the due date prescribed. This request is made in good faith, and not for the purposes of delay. Thus, counsel respectfully requests a thirty (30) day extension of time to allow counsel to complete the Initial Brief of Respondent. This is counsel's second request for additional time to do so.

WHEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete the Initial Brief of Respondent in this matter.

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

W. JOSEPH MAYE
Assistant Attorney General
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By: s/ W. Joseph Maye
W. JOSEPH MAYE
ATTORNEYS FOR RESPONDENT

September 28, 2020.

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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 Petition for Second Extension of Time to File Initial Brief of Respondent and Designation of Matter, and Proof of Service has been forwarded to Petitioner's counsel, Lara M. Caudy, Esq., via email today, September 28, 2020 to lcaudy@sccid.sc.gov, and to her assistant at lmattthews@sccid.sc.gov.

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

This 28th day of September, 2020.



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

Donna D'Alessio

From: Donna D'Alessio
Sent: Monday, September 28, 2020 5:12 PM
To: Lara Caudy (lcaudy@sccid.sc.gov); 'lmatthews@sccid.sc.gov'
Subject: Hawkins, Samuel, Jr. - Appellate Case No. 2019-001645 - Second Extension of Time to file IBOR
Attachments: Hawkins, Samuel, Jr., Appellate Case No. 2019-001645 - Motion for 2nd ext of time to file IBOR 9-28-2020 (02390105xD2C78).pdf

Dear Ms. Caudy:

Attached is a scanned copy of the Respondent's Second Extension of Time to file Initial Brief of Respondent and Designation of Matter, and Proof of Service regarding the above matter. The Second extension of time to file Initial Brief and supporting documents are 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.

Donna D'Alessio, Legal Assistant
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