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Sep 30 2020
SC Court of Appeals

**STATE OF SOUTH CAROLINA
IN THE 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 TO FILE FOURTH EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND
DESIGNATION OF MATTER**

Respondent would respectfully move this Court for a Fourth Extension of Time to File the Initial Brief of Respondent and Designation of Matter. The Initial Brief of Respondent is due to be filed today, Wednesday, September 30, 2020.

The undersigned attorney moves for the time to file the Initial Brief and Designation of Matter be extended by thirty (30) additional days up to and including October 30, 2020. Respondent has had a number of state and federal matters to attend to since August 31, 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 September 1, 2020, *The State v. Javon D.*

Gibbs, Appellate Case No. 2017-001846, a Horry County criminal appeal matter; On September 16, 2020, *The State v. Mack Seal Washington*, Appellate Case No. 2017-001111 a Charleston County criminal appeal matter; On September 17, 2020 *The State v. Shaquille Washington*, Appellate Case No. 2015-002668, a Berkeley County criminal appeal matter.

2. Counsel filed the Petition for Rehearing and Suggestion for Rehearing En Banc on September 3, 2020 in the matter of *The State v. Javon D. Gibbs*, Appellate Case No, 2017-001846, a Horry County direct appeal matter;
3. Counsel filed the Return and Memorandum of Law in Support of Summary Judgment in the matter of the matter of *Marvin Xavier Porcher v. Warden Edsel T. Taylor*, C/A No. 8:20-cv-2230-DCN-JDA, a matter pending in the District Court;
4. Counsel filed the Final Brief of Respondent on September 28, 2020 in the matter of *The State v. Devin Jamel Johnson*, Appellate Case No, 2019-000938, a Charleston County direct appeal matter;
5. Counsel filed the *Respondent's Response Opposing Petitioner's Motion to Appoint Counsel* on September 25, 2020 in the matter of *Millanyo Woody , #227810 v. Warden Tucker*, C/A No. 2:19-785-SAL-MGB, a Federal Habeas Corpus matter currently pending in the District Court.
6. Counsel filed the *Brief in Opposition to the Petition for Writ of Certiorari* in the matter of *Richard Bernard Moore v. Bryan P. Sterling, Commissioner, South Carolina Department of Corrections, Michael Stephan, Warden of Broad River Correctional Institution* on September 28, 2020, a matter pending in the Supreme Court of the United States.
7. Counsel filed the *Respondent's Reply to Petitioner's Response to Return and Memorandum of Law in Support of Summary Judgment* on September 28, 2020 in the matter

of Gregory Velez, #345428 v. Randall Williams, C/A No. 9:19-cv-3022-JMC-BM, a Federal Habeas Corpus matter currently pending in the District Court.

8. Counsel filed the *Respondent's Response Opposing Petitioner's Petition for Bail* on September 29, 2020 in the matter of *Millanyo Woody*, #227810 v. *Warden Tucker*, C/A No. 2:19-785-SAL-MGB, a Federal Habeas Corpus matter currently pending in the District Court.

9. Counsel is working on the Initial Brief of Respondent in the Death Penalty case *The State v. Jerome Jenkins, Jr.*, a Horry County direct appeal matter.

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 October 31, 2020.

Thus, by this motion, Respondent respectfully requests this Court to issue an Order granting an extension of thirty (30) days in which to serve and file the Initial Brief and Designation of Matter up to and including October 30, 2020.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

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

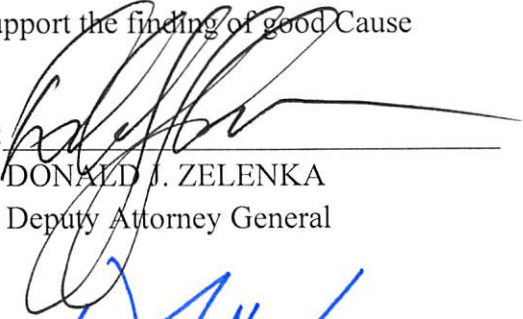
WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General
No. 3710

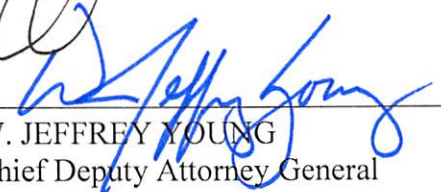
Post Office Box 11549

September 30, 2020.

Columbia, South Carolina 29211
(803) 734-6305

I support the finding of good Cause

By: 
DONALD J. ZELENKA
Deputy Attorney General

By: 
W. JEFFREY YOUNG
Chief Deputy Attorney General

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

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

THE STATE,

RESPONDENT,

vs.

TRIVON 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 Fourth Motion for 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, September 30, 2020 to LCaudy@sccid.sc.gov, and Appellant Counsel's Assistant, Lindsey Matthews, LMatthews@sccid.sc.gov.

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

This 30th day of September, 2020.

Brandy Rankin

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

Brandy Rankin

To: lcaudy@sccid.sc.gov
Cc: lmatthews@sccid.sc.gov; Ed Salter; Melody Brown; Angela Bennett
Subject: TRIVON DAYSHAD YOUNG - Fourth Motion for Extension
Attachments: FOURTH Motion for Extension to File IBOR with COS, 9-30-2020, Traivon Dayshad Young (02391700xD2C78).pdf

Dear Ms. Caudy,

Attached is a scanned copy of the Fourth Motion for Extension to file the Initial Brief of Respondent and Designation of Matter. This motion, 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.

Sincerely,

Brandy Rankin

Legal Assistant
Office of the Attorney General
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