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Oct 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.,

Appellant.

Appellate Case No. 2019-001645

**MOTION FOR THIRD 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, October 28, 2020. Counsel for Petitioner has graciously consented to extension requests through October 31, 2020. This is Respondent's third 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 drafted and filed the Respondent's Return and Memorandum of Law in Support of Motion for Summary Judgment, as well as a Motion to Strike in the matter of Derrick A. Young vs. Warden of Evans Correctional Institution, C/A No. 6:19-03607-TMC-KFM on September 30, 2020;

2. Counsel prepared for and attended an out of town deposition on October 3, 2020, in the matter of Luzenski Allen Cottrell vs. State of South Carolina, Case No. 2018-CP-26-05709, a Horry County post-conviction relief death penalty matter.

3. Counsel drafted and filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment in the matter of Ryan P. Deleston v. Warden Nelsen, C/A No. 0:20-717-TMC-PJG on October 7, 2020;

4. Counsel drafted and filed the Initial Brief of Respondent in the Edgefield County murder appeal matter of The State vs. Dameion E. Thomas, Appellate Case No. 2019-001794 on October 26, 2020;

5. Counsel drafted and filed the Response in Opposition to Petitioner's Motion to Amend the Petition in the matter of Derrick A. Young vs. Warden of Evans Correctional Institution, C/A No. 6:19-03607-TMC-KFM, on October 27, 2020.

6. Counsel is also currently preparing for oral argument in the matter of The State vs. Nick Evangelista, Appellate Case No. 2018-000448, which is currently scheduled for oral argument before the South Carolina Court of Appeals on Wednesday, November 4, 2020;

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 third 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
State Bar No. 100851

Post Office Box 11549
Columbia, SC 29211
(803) 734-6305

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

October 28, 2020.

I support the finding of good cause.

By: 
MELODY J. BROWN,

Senior Assistant Deputy Attorney General

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THE STATE,

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SAMUEL HAWKINS, JR.,

Petitioner.

Appellate Case No. 2019-001645

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 Third 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, October 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 October, 2020.



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

Donna D'Alessio

From: Donna D'Alessio
Sent: Wednesday, October 28, 2020 12:14 PM
To: Lara Caudy (lcaudy@sccid.sc.gov)
Cc: 'lmatthews@sccid.sc.gov'
Subject: Hawkins, Samuel, Jr. - Appellate Case No. 2019-001645 - Third Extension of time to file IBOR
Attachments: Hawkins, Samuel Jr., Appellate Case No. 2019-001645 - Third Motion for Extension of Time to file IBOR 10-28-2020 (02414140xD2C78).pdf

Dear Ms. Caudy:

Attached is a scanned copy of the Respondent's Third Motion for Extension of Time to file Initial Brief of Respondent, and Designation of Matter regarding the above matter. The Third Extension of Time to File Initial Brief of Respondent 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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