

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

Feb 08 2021

Appeal from Lexington County
The Honorable Eugene C. Griffith, Circuit Court Judge

S.C. SUPREME COURT

THE STATE,

Respondent,

v.

TIMOTHY RAY JONES, JR.,

Appellant.

Appellate Case No. 2019-001008

**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. Opposing counsel, Robert M. Dudek, Esq., Susan B. Hackett, Esq., David Alexander, Esq., Lara M. Caudy, Esq. and Taylor D. Gilliam, Esq., Appellate Defenders, by agency to agency agreement, have consented to extension requests through February 28, 2021. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

Respondent's Initial Brief is due today, Monday, February 8, 2021. The undersigned attorneys have had a number of state and federal matters to attend since January 8, 2021. Specifically,

1. Counsel, Tommy Evans, Jr., prepared for and attended a capital post-conviction relief status conference on Jan. 15, 2021 (*Ricky Blackwell*); completed and filed on January 28,

2021 filed the Initial Brief of Respondent in the matter of The State vs. K'Sone M. Campbell, Appellate Case No. 2020-000508, a Charleston County murder appeal matter now pending in the South Carolina Court of Appeals; counsel prepared for and presented oral argument on February 3, 2021, by WebEx presentation before this Court in a non-capital murder direct appeal (*Johnathan Rhodes*). Further, counsel has been reviewing, researching and preparing for drafting of arguments for the brief in this matter.

2. Counsel, Melody Brown, will also be aiding in preparation in this case. In the past thirty days has similarly been working on other matters, state and federal, many of these matters also being capital, such as: prepared for and attended a capital post-conviction relief status conference on Jan. 15, 2021, and prepared a proposed order to substitute counsel for respondent (*Ricky Blackwell*); reviewed and filed on January 19, 2021, a status report in a pending federal habeas action (*Kinjta Sadler*); completed and filed on January 21, 2021 a response brief in the Fourth Circuit Court of Appeals in a capital federal habeas action, along with a motion to exceed length limitations (*Quincy Allen*); prepared and submitted to opposing counsel on February 2, 2021, a listing for the joint appendix to be filed in the Fourth Circuit Court of Appeals in another capital federal habeas action (*John Richard Wood*); prepared and filed a response in opposition to motion for temporary stay on January 14, 2021, after issuance of the notice of execution, and also filed an addendum to that response on February 1, 2021 (*Brad Sigmon*); and prepared for and attended a WebEx status conference in another capital post-conviction relief action (*Bobby Wayne Stone*). Further, counsel is also currently working on a mandatory brief in opposition to be filed in the Supreme Court of the United States on or before February 22, 2021 in another capital case (*Freddie Owens*); and preparing for oral argument scheduled for February 12, 2021, in federal district court (Columbia) in a non-capital federal habeas action (*Dennis Davis*).

Due to counsel's involvement in these and other matters pending in state and federal court, counsel for Respondent moves this Court to enlarge the time for filing the response by granting a thirty (30) day extension up to and including March 10, 2021. This request is made in good faith, and not for the purpose of delay.

WHEREFORE, for good cause shown, counsel respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter. This request is made in good faith, and not for the purposes of delay.

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

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

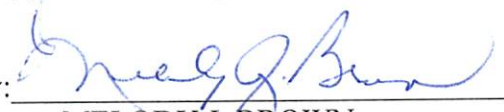
TOMMY EVANS, JR.
Assistant Attorney General
ID No. 07448

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

February 8, 2021.

By: Tommy Evans, Jr.
ATTORNEYS FOR RESPONDENT

I support the finding of good cause.

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