

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

RECEIVED

Mar 10 2021

S.C. SUPREME COURT

THE STATE,

Respondent,

v.

TIMOTHY RAY JONES, JR.,

Appellant.

Appellate Case No. 2019-001008

**MOTION FOR FOURTH 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 and Designation of Matter 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 March 31, 2021. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

Respondent's Initial Brief is due today, Wednesday, March 10, 2021. The undersigned attorneys have had a number of state and federal matters to attend since February 8, 2021. Specifically,

1. Counsel, Tommy Evans, Jr., prepared and filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Rondell Leon Carter v.

Warden Lieber Correctional Institution, C/A No. 6:20-04020-DCC-KFM; counsel is also preparing a Reply to Response in Opposition to Motion for Summary Judgment [ECF #19] in this matter, a federal habeas action now pending in the United States District Court for the District of South Carolina; counsel filed the Respondent's Reply to Objections to Report and Recommendation [ECF #45] in the matter of Christopher Paul Mahaffey v. Warden Perry Correctional Institution, C/A No. 8:20-01880-JD, another federal habeas matter; counsel filed a Response to Petitioner's Traverse and Response in Opposition to Motion for Summary Judgment in the matter of Ervin Lopez vs. Charles Williams, Jr., Warden, Perry Correctional Institution, C/A No. 4:20-3777-BHH-TER; counsel filed the Final Brief of Respondent in the matter of The State vs. Kenneth Lamont Robinson, Jr., Appellate Case No. 2018-001269, a Charleston County direct appeal matter now pending in the South Carolina Court of Appeals; counsel is also currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Edward L. Morris vs. Warden Charles Burton, C/A No. 1:21-354-DCC-SVH; and counsel is also preparing for oral argument scheduled for April 6, 2021 in the matter of The State vs. Robert Xavier Geter, Appellate Case No. 2018-001647, a Richland County appeal matter now pending in the South Carolina Court of Appeals. Further, counsel has been reviewing, researching and preparing for drafting of arguments for the brief in this matter. Counsel has completed a substantial amount of review regarding this voluminous record.

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 participated in the remote hearing for scheduling in capital federal habeas action, and also participated in discussions and calculation of dates for an amended scheduling order (*Stephen Stanko*); participated in communications for arrangements

for possible in-person DDSN evaluation with a pending successive capital post-conviction relief action (tentatively scheduled for March 23, 2021), and aided in the preparation of a joint status report to the federal district court for that same inmate, (*Bobby Wayne Stone*); prepared and filed a mandatory brief in opposition in the Supreme Court of the United States in another capital case (*Freddie Owens*); prepared and filed a status report in another capital case in federal habeas (*Bayan Aleksey*); prepared for and present remote oral argument in the capital federal habeas action pending in the Fourth Circuit on March 9, 2021 (*Mikal Mahdi*), and, in non-capital cases, prepared motion to substitute and amend a final brief (*Xzariera Gray*); assisted in the drafting of a return and memorandum of law in non-capital federal habeas action (*Joseph Walker*); and, prepared for and presented argument in the federal district court (Columbia) in a non-capital federal habeas action on February 12, 2021 (*Dennis Davis*). Counsel is also presently working on research for two of the issues in the instant matter.

3. 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 April 9, 2021. This request is made in good faith, and not for the purpose of delay. Counsel, cognizant of the time already requested, has worked to clear other matters to allow more intense work on this case and intends to devote significant time to this matter in an effort to quickly move along the briefing process.

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

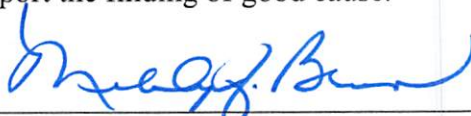
TOMMY EVANS, JR.
Assistant Attorney General
ID No. 07448

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

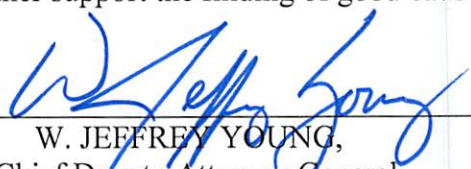
March 10, 2021.

By: Tommy Evans, Jr.
ATTORNEYS FOR RESPONDENT

I support the finding of good cause.

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

I further support the finding of good cause.

By: 
W. JEFFREY YOUNG,
Chief Deputy Attorney General