

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

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

THE STATE,

Respondent,

v.

TIMOTHY RAY JONES, JR.,

Appellant.

Appellate Case No. 2019-001008

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

Respondent's Initial Brief is due Friday, April 9, 2021. Undersigned counsel would respectfully request a thirty (30) day extension in which to file the brief and designation of matter. 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 April 30, 2021. In explanation of the work already completed, and in support of the necessity of the requested extension, Respondent's counsel would respectfully submit:

1. This is a capital case requiring review of an extensive record. The trial transcript alone spans nearly 6,000 pages, and Appellant has filed a brief which is 171 pages with 8 issues presented. He has also designated multiple pre-trial hearings, exhibits, motions and other documents. Both primary counsel for respondent on appeal have been working diligently on

preparing the brief in this case and have completed substantial work on a majority, but not all, of the issues and other portions of the brief. Undersigned counsel has also worked to clear other matters to allow more time to work on this case. Counsel has devoted, and will continue to devote, significant time to this matter. Undersigned counsel estimates that the brief should be completed within the time requested in this motion, barring any emergency matters, unforeseen and unanticipated. Respondent notes the below worked cleared to make additional time for the completion of this brief.

2. Since March 8, 2021, in addition to the work on this case counsel has completed other state and federal obligations. Specifically, in the last thirty days, undersigned counsel, Tommy Evans, Jr., prepared and filed the Final Brief of Respondent in the matter of The State vs. K'Sone Marquail Campbell, a Charleston County direct appeal matter on March 15, 2021; the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #19], in the matter of Rondell Leon Carter v. Warden Lieber Correctional Institution, C/A No. 6:20-04020-DCC-KFM also on March 15, 2021; 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 on March 29, 2021; and, the Respondent's Response to Petitioner's Motion to Alter/Amend or Reconsideration pursuant to Rule 59(e) [ECF #51], in the matter of Christopher Paul Mahaffey vs. Warden Perry Correctional Institution, C/A No. 8:20-01880-JD on April 6, 2021.

3. Co-counsel for Respondent, Melody Brown, has completed and cleared these state and federal work items in the last thirty days, many of them also in capital cases: prepared for and participated in a status conference in a capital case in state post-conviction relief (*Bayan Aleksey, March 22, 2021*), attended and observed part of an intellectual disability evaluation in

another capital case in state post-conviction relief (*Bobby Wayne Stone, March 23, 2021*); completed and filed the reply in another capital case on post-conviction relief appeal (*Jerry Buck Inman, March 29, 2021*); prepared and filed a response in opposition to motion for supplemental appendix in a capital case in an original jurisdiction action (*Richard Bernard Moore, March 26, 2021*); and, in non-capital cases; assisted in the drafting and filing of a return and memorandum of law in a non-capital federal habeas action (*Alonza Dennis, March 11, 2021*); completed and filed a Reply to Petitioner’s Objections in another federal habeas action (*Dennis Rodger Davis, Jr., March 16, 2021*); assisted in the drafting and filing of an Initial Brief of Respondent in a murder direct appeal (*Dale Eugene King, March 18, 2021*); reviewed a brief filed in the Fourth Circuit in a non-capital federal habeas action (*Clinton Folkes, March 24, 2021*); aided in the drafting and filing of the Response to Motion to Stay in a federal habeas action (*Reginald Canty v. Warden, March 25, 2021*); and, reviewed for filing a brief in another murder direct appeal (*Harold Baldwin, April 1, 2021*).

4. This request is made in good faith, and not for the purpose of delay.

WHEREFORE, for all the above reasons, counsel respectfully requests a thirty (30) day – up to and including May 10, 2021 – extension of time to serve and file the Initial Brief of Respondent and Designation of Matter.

Respectfully submitted,

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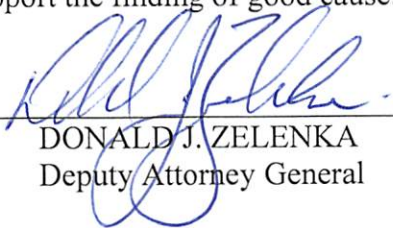
s/Melody J. Brown
By: _____
SC Bar No. 14244

S/Tommy Evans, Jr.
By: _____
SC Bar No. 65282


April 8, 2021.

ATTORNEYS FOR RESPONDENT

I support the finding of good cause.

By:  _____
DONALD J. ZELENKA
Deputy Attorney General

I further support the finding of good cause.

By:  _____
W. JEFFREY YOUNG,
Chief Deputy Attorney General