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Jan 04 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEAL

Appeal from Lexington County
Honorable William P. Keesley, Circuit Court Judge

THE STATE,

RESPONDENT,

Vs.

JAMAL DEVONTAE COBURN,

APPELLANT.

Appellate Case No. 2020-001528

**MOTION FOR LEAVE TO FILE FOURTH MOTION FOR
EXTENSION OF TIME TO FILE INITIAL BRIEF OF RESPONDENT AND
DESIGNATION OF MATTER OUT OF TIME**

The undersigned counsel would respectfully request a final three (3) day extension of time in which to file the Initial Brief of Respondent in the above-referenced case. This is a Fourth and partial extension request. In support of this motion, counsel would respectfully show the Court the following good cause:

Respondent's Initial Brief is due to be filed today, Tuesday, January 4, 2022. Counsel had nearly completed the Initial Brief of Respondent and was anticipating the filing of the Initial Brief of Respondent by the end of the work day today. However, due to technical difficulties with counsel's computer, more than six hours of work was lost, representing substantial portions of the brief that are now irretrievable by technical staff. Counsel for Respondent has personally contacted Appellate Counsel, Adam S. Ruffin, to explain the situation, and Mr. Ruffin has graciously consented to the above extension request. In addition to the technical difficulties

experienced today, the undersigned attorney has had a number of personal, state, and federal matters to attend to since December 3, 2021. Specifically,

1. Due to a recent and unexpected death of counsel's father on December 15, 2021, counsel has had considerable family obligations that have required absence from work:

2. Counsel filed the Respondent's Reply to Petitioner's Response in Opposition [ECF #22] in the matter of Michael Fitzgerald Wiggleton vs. Jonathan Nance, Warden, C/A No. 9:21-01620-CMC-MHC on December 13, 2021;

3. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #42] in the matter of Deshaun Drafts vs. Warden Lieber Correctional Institution, C/A No. 5:20-3593-HMH-KDW on December 20, 2021;

4. Counsel prepared the Response in Opposition to Applicant's Motion for a Fifth Amended Scheduling Order in the matter of Luzenski Allen Cottrell vs. State of South Carolina, 2018-CP-26-5709, an Horry County Capital matter also on December 20, 2021;

5. Counsel prepared the Brief of Respondent in the matter of The State vs. Tyrone A. Wallace, Jr., Appellate Case No. 2021-000332, a Beaufort County direct appeal matter now pending in the South Carolina Supreme on December 20, 2021.

6. Counsel filed the Reply to Response to Motion in Opposition to Motion for Summary Judgment in the matter of Vernon Goodwin vs. Kenneth Nelsen, Warden of Broad River Correctional Institution, C/A No. 4:21-02051-TMC-TER on December 29, 2021.

WHEREFORE, for good cause shown, counsel respectfully requests a Fourth three (3) 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. This extension will make Respondent's Initial Brief due January 7, 2022.

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELOD J. BROWN
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S.C. Bar No. 14244

W. JOSEPH MAYE
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By: *s/ W. Joseph Maye* _____
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ATTORNEYS FOR RESPONDENTS

January 4, 2022.

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JAMAL DEVONTAE COBURN,

APPELLANT.


Appellate Case No. 2020-001528

PROOF OF SERVICE

I, **Donna D'Alessio**, an employee of the Respondent and legal assistant to W. Joseph Maye, of counsel for the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion for a Fourth Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Adam S. Ruffin, Esq., via email today, January 4, 2022 to aruffin@sccid.sc.gov and to his assistant at sleverett@sccid.sc.gov.

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

This 4th day of January, 2022.



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

From: Donna D'Alessio
Sent: Tuesday, January 4, 2022 3:37 PM
To: 'aruffin@sccid.sc.gov'
Cc: 'sleverett@sccid.sc.gov'
Subject: Coburn, Jamal D. - Appellate Case No. 2020-001528 - Fourth extension of time to file Initial Brief of Respondent
Attachments: Coburn, Jamal D. - Appellate Case No. 2020-001528 - 4th Motion for ext of time to file IBOR 1-4-22 (02863951xD2C78).pdf

Dear Mr. Ruffin:

Attached is a scanned copy of the Respondent's Motion for leave to file fourth motion for extension of time to file Initial Brief of Respondent regarding the above matter. The Motion for Fourth Extension of Time is being submitted to the South Carolina Court of Appeals through e-filing, along with a copy of this email.

Happy New Year and hope all is well.

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