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May 31 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Dorchester County
The Honorable Diane S. Goodstein, Circuit Court Judge

STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

MUANAH A. FORTUNE, JR.,

APPELLANT.

Appellate Case No. 2021-000569

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

The undersigned counsel would respectfully request a second thirty (30) day extension in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. Counsel for Appellant has graciously consented to this extension request. In support of this motion, counsel would respectfully show the Court the following good cause:

Respondent's Initial Brief of Respondent and Designation of Matter is due to be filed on Wednesday, June 1, 2022. The undersigned attorney has had a number of state, and federal matters to attend to since April 29, 2022. Specifically:

1. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #22] in the matter of Eric Wright vs. Donnie Stonebreaker, Jr., C/A No. 0:21-03495-TLW-PJG on May 2, 2022;

2. Counsel prepared for and attended oral argument on behalf of the State in the matter of The State vs. Rakeem J.J. White, Appellate Case No. 2019-000403 a Barnwell County direct appeal matter now pending in the South Carolina Court of Appeals on May 12, 2022;

3. Counsel also prepared for and attended oral argument on behalf of the State in the matter of Boyd R. Evans vs. State of South Carolina, Appellate Case No. 2021-000786 a Lexington county post-conviction appeal matter now pending in the South Carolina Supreme Court on May 17, 2022;

4. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Brent McLaurin, Jr. vs. Warden McCormick Correctional Institution, C/A No. 6:21-03936-JFA-KFM on May 18, 2022;

5. Counsel also prepared for and appeared in the following post-conviction relief matters: Homer A. James v. State of South Carolina, Case No. 2019-CP-05-00104, Bamberg County; Cedric A. Colden vs. State of South Carolina, Case No. 2016-CP-02-1269, Aiken County; Ricky L. Williams vs. State of South Carolina, Case No. 2020-CP-06-00128, Barnwell County; and Barrington Grant vs. State of South Carolina, Case No. 2020-CP-03-283, Allendale County. All were heard on May 23, 2022;

6. Counsel prepared a Supplemental Memorandum in Support of Respondent's Response in Opposition to Rule 60(b) motion in the federal habeas, capital matter of Steven Vernon Bixby vs. Bryan P. Stirling, Commissioner, South Carolina Department of Corrections; Lydell Chestnut, Deputy Warden of Broad River Correctional Institution Secure Facility, No. 21-5, currently pending in the United States Court of Appeals for the Fourth Circuit which was filed today, May 31, 2022; and

7. Counsel has been involved in working **on other matters in state and federal court.**

WHEREFORE, for good cause shown, counsel respectfully requests a second 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. This extension will make Respondent's Initial Brief due Friday, July 1, 2022.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

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

May 31, 2022.

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APPELLANT.

Appellate Case No. 2021-000569

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 Second Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Elizabeth Franklin-Best, Esq., via email today, May 31, 2022 to elizabeth@franklinbestlaw.com.

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

This 31st day of May, 2022.

s/ Donna D'Alessio

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, May 31, 2022 12:15 PM
To: 'elizabeth@franklinbestlaw.com'
Subject: State of SC v. Muanah A. Fortune, Jr. - Appellate Case No. 2021-000569
Attachments: 2nd motion to file IBOR 5-27-22 for 6-1-22 - Muanah A. Fortune USE (02993672xD2C78).pdf

Dear Ms. Franklin-Best:

Attached is a scanned copy of the Respondent's Second Motion for extension of time to file Initial Brief of Respondent and Designation of Matter in the above matter. The second extension request is being submitted to the South Carolina Court of Appeals through e-filing, along with a copy of this email.

Hope you are well.

Donna D'Alessio, Legal Assistant
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