

RECEIVED

Sep 26 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
The Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

QUAYSHAUN XZANDER CLARK,

APPELLANT.

Appellate Case No. 2022-000962

**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. The Initial Brief is currently due to be filed tomorrow, Wednesday, September 27, 2023. Counsel for Appellant has graciously consented to extension requests up to and including September 30, 2023. In support of this motion, counsel would respectfully show the Court the following good cause:

The undersigned attorney has had a number of state, and federal matters to attend to since August 25, 2023 including matters in this Court. Specifically:

1. Counsel filed the Petition for Rehearing in the matter of The State vs. Johnathan L. Hillary, Appellate Case No. 2019-001048, an Horry County direct appeal matter now pending in the South Carolina Court of Appeals on **August 31, 2023**;

2. Counsel is currently preparing the Response Brief in the capital matter of Stephen C. Stanko, Appellant/Petitioner vs. Bryan Stirling, Director, South Carolina Department of Corrections, and Lydell Chestnut, Warden Broad River Correctional Institution, Appellee/Respondents, Case No. 22-3 now pending in the United States Court of Appeals for the Fourth Circuit. Same is now scheduled to be filed on Tuesday, **October 3, 2023**;

3. Counsel is also currently preparing the Return to Petition for a Writ of Habeas Corpus in the matter of Richard Bernard Moore vs. Bryan P. Stirling, Commissioner, South Carolina Department of Corrections, in the Original Jurisdiction pending in the South Carolina Supreme Court. Same is almost completed and same is due to be filed on Monday, **October 2, 2023**;

4. Counsel filed the *Final Brief of Respondent & Certificate of Compliance* in the matter of The State v. Donovan T. Brannon, Appellate Case No. 2022-000015, a murder appeal from Lexington County pending in the South Carolina Court of Appeals on **September 11, 2023**;

5. Counsel filed the Respondent's Status Report as per TEXT Order [ECF #45] in the matter of Milciades Alcantara vs. Warden of McCormick Correctional Institution, C/A No. 9:21-01498-RBH-MHC on **September 20, 2023**;

6. Counsel also filed the Respondent's Reply to Objections to Report and Recommendations [ECF #35] in the matter of Kerwin S. Parker vs. Warden, Goodman Correctional Institution, C/A No. 1:23-251-MGL-SVH on **September 20, 2023**;

7. Counsel received a Brief in Opposition filed on September 7, 2023, in the United States Supreme Court in the Death penalty matter of Bryan P. Stirling, Director and Lydell Chestnut, Deputy Warden of Broad River Correctional Institution Secure Facility v. Sammie L.

Stokes, that will require a time sensitive reply brief. See Supreme Court Rule 15 (6) (“Any petitioner may file a reply brief addressed to new points raised in the brief in opposition, but distribution and consideration by the Court under paragraph 5 of this Rule will not be deferred pending its receipt.”). The Reply Brief of Petitioner was filed on **September 21, 2023**; and

8. 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 October 27, 2023.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General
S.C. Bar No. 14244

J. ANTHONY MABRY
Senior Assistant Attorney General
S.C. Bar No. 11973

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-6305

By: s/J. Anthony Mabry

J. ANTHONY MABRY

ATTORNEYS FOR RESPONDENT

September 26, 2023.

RECEIVED

Sep 26 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
The Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

QUAYSHAUN XZANDER CLARK,

APPELLANT.

Appellate Case No. 2022-000962

PROOF OF SERVICE

I, **Donna D'Alessio**, an employee of the Respondent and legal assistant to J. Anthony Mabry, 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, Breen Stevens, Esq., via email today, September 26, 2023 to bstevens@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 26th day of September, 2023.

s/ Donna D'Alessio
Donna D'Alessio, Legal Assistant to
J. Anthony Mabry
Senior Assistant Attorney General
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-6305