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Oct 04 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Richland County  
The Honorable Clifton Newman, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

APPELLANT,

v.

DELRICO EDMONDS,

RESPONDENT.

Appellate Case No. 2022-001716

\_\_\_\_\_  
**MOTION FOR FOURTH EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF APPELLANT AND DESIGNATION OF MATTER**  
\_\_\_\_\_

The undersigned counsel would respectfully request a FOURTH thirty (30) day extension in which to file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. The Initial Brief is currently due to be filed tomorrow, Thursday, October 5, 2023. Counsel for Respondent has graciously consented to extension requests up to and including October 31, 2023. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

The undersigned attorney has had a number of state, and federal matters to attend to since September 1, 2023 including matters in this Court. Specifically:

1. 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;**

2. 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**;

3. 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**;

4. 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, required 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**;

5. Counsel prepared and filed 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 on **Monday, October 2, 2023**;

6. Counsel is also currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Malcolm A. Williams vs. Wilfredo Martell, Warden, C/A No. 4:23-cv-1833-DCC-TER. Same is currently due to be filed tomorrow, **Thursday, October 5, 2023** and no further extensions will be entertained;

7. Counsel prepared and filed 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 on **Tuesday, October 3, 2023**; and

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

A law clerk has been assigned to assist in the preparation of this brief to further assure  
timely completion of the Initial Brief of Appellant.

WHEREFORE, for extraordinary circumstances shown, counsel respectfully requests a  
fourth thirty (30) day extension of time to serve and file the Initial Brief of Appellant and  
Designation of Matter. This request is made in good faith, and not for the purposes of delay.  
This extension will make Appellant's Initial Brief due November 6, 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

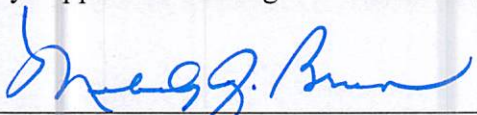
J. ANTHONY MABRY  
Senior Assistant Attorney General  
S.C. Bar No. 11973

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Post Office Box 11549  
Columbia, South Carolina 29211-1549  
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By: s/J. Anthony Mabry  
J. ANTHONY MABRY  
**ATTORNEYS FOR APPELLANT**

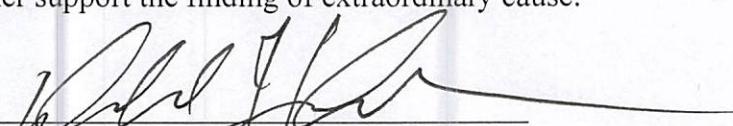
October 4, 2023.

I hereby support the finding of extraordinary cause.

By: 

MELODY J. BROWN,  
Senior Assistant Deputy Attorney General

I further support the finding of extraordinary cause.

By: 

DONALD J. ZELENKA  
Deputy Attorney General

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THE STATE,

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Appellate Case No. 2022-001716

\_\_\_\_\_  
**PROOF OF SERVICE**  
\_\_\_\_\_

I, **Donna D'Alessio**, an employee of the Appellant and legal assistant to J. Anthony Mabry, of counsel for the Appellant, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Fourth Extension of Time to File Initial Brief of Appellant and Designation of Matter has been forwarded to Respondent's counsel, David Alexander, Esq., via email today, October 4, 2023 to [dalexander@sccid.sc.gov](mailto:dalexander@sccid.sc.gov) and to his assistant at [spollard@sccid.sc.gov](mailto:spollard@sccid.sc.gov).

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

This 4<sup>th</sup> day of October, 2023.

s/ Donna D'Alessio  
Donna D'Alessio, Legal Assistant to  
J. Anthony Mabry  
Senior Assistant Attorney General  
Office of the Attorney General  
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