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Oct 27 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 THIRD EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**  
\_\_\_\_\_

The undersigned counsel would respectfully request a THIRD 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 today, Friday, October 27, 2023. Counsel for Appellant 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 good cause:

The undersigned attorney has had a number of state, and federal matters to attend to since September 26, 2023 including matters in this Court. Specifically:

1. 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**;

2. 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**;

3. Counsel filed 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 on **Thursday, October 5, 2023**;

4. Counsel was out of the office from **Monday, October 9, 2023** through **Wednesday, October 11, 2023** as he was attending the Solicitor's Conference [scheduled continuing legal education] in Myrtle Beach, SC;

5. Counsel prepared the Respondent's Reply to Response in Opposition to Motion for Summary Judgment in the matter of Malcolm Antwon Williams, #372579, aka Malcom A. Williams vs. Wilfredo Martell, Warden, C/A No.: 4:23-1833-DCC-TER which is being filed today, **October 25, 2023**;

6. Counsel is currently preparing the Initial Brief of Respondent in the Fairfield County direct appeal matter of The State vs. Timothy James Thompson, Appellate Case No. 2022-000397 which is due to be filed on November 13, 2023;

7. Counsel is also currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Jon Wynn Jarrard, Sr. vs. Warden, Wilfredo Martell, C/A No. 5:23-2588-SAL-KDW; 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 third 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 November 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

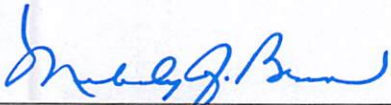
J. ANTHONY MABRY  
Senior Assistant Attorney General  
S.C. Bar No. 11973

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**

October 27, 2023.

I hereby support the finding of good cause.

By:   
MELODY J. BROWN,  
Senior Assistant Deputy Attorney General

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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 third 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, October 27, 2023 to [bstevens@sccid.sc.gov](mailto:bstevens@sccid.sc.gov) and to his assistant at [sleverett@sccid.sc.gov](mailto:sleverett@sccid.sc.gov).

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

This 27<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  
Post Office Box 11549  
Columbia, South Carolina 29211-1549  
(803) 734-6305