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Nov 28 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 FOURTH EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a FOURTH 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, November 29, 2023. Counsel for Appellant has graciously consented to extension requests up to and including November 30, 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 October 27, 2023 including matters in this Court. Specifically:

1. Counsel prepared 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 on November 6, 2023;

2. Counsel prepared the Initial Brief of Respondent in the Fairfield County direct appeal matter of The State vs. Timothy James Thompson, Appellate Case No. 2022-000397 on **November 13, 2023**;

3. Counsel is also currently preparing the Initial Brief of Appellant in the matter of The State vs. Delrico Edmonds, Appellate Case No. 2022-001716, a Richland County murder appeal matter now pending in the South Carolina Court of Appeals. Same is due to be filed on **December 6, 2023**;

4. Counsel is currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Antonio Collins vs. Warden of Kirkland Correctional Institution, C/A No. 5:23-3696-DCC-KDW;

5. Counsel is also currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Alonzo C. Jeter vs. Warden Wilfredo Martell, C/A No. 9:23-03253-MGL-MHC; and

6. Counsel has been involved in working on **other matters in state and federal court**, including the completion of record and briefing matters in the Horry County capital matter of Stephen Stanko v. Bryan Stirling, Case Nos. 22-2 & 22-3, now pending in the United States Court of Appeals for the Fourth Circuit.

WHEREFORE, for good cause shown, counsel respectfully requests a fourth 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 December 29, 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

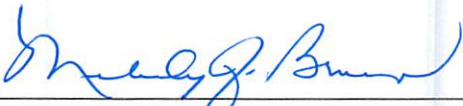
J. ANTHONY MABRY
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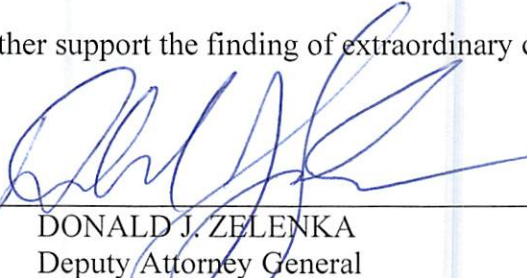
By: s/J. Anthony Mabry
J. ANTHONY MABRY
ATTORNEYS FOR RESPONDENT

November 28, 2023.

I hereby support the finding of extraordinary circumstances.

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

I further support the finding of extraordinary circumstances.

By: 
DONALD J. ZELENKA
Deputy Attorney General

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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 Fourth 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, November 28, 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 28th day of November, 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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