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Feb 27 2024

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 SEVENTH EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a SEVENTH 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, February 28, 2024. Counsel for Appellant has graciously consented to extension requests up to and including February 29, 2024. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

A. The undersigned attorney has had a number of state, and federal matters to attend to since January 26, 2024 including matters in this Court. Specifically:

1. Counsel was out of the office on **Wednesday, February 21st, Thursday, February 22nd, Friday, February 23, 2024, and Monday, February 26th** for medical procedures, and/or appointments;

2. Respondent filed a Motion on **January 23, 2024** to file an Amended Final Brief of Respondent in State v. James Monroe Brown (Murder) in the South Carolina Court of Appeals, **and** has completed the Amended Final Brief of Respondent. Same was filed on **February 8, 2024**;

3. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Christopher Heller vs. Warden of Lee Correctional Institution, C/A No. 5:23-cv-3456-JD-KDW (Murder, Federal Habeas Return and Motion for Summary Judgment) on **January 26, 2024**;

4. Counsel prepared the Respondent's Response to Motion to Compel [ECF #31] and Motion to Redo Caption [ECF #30] in the matter of Alonzo C. Jeter vs. Warden Wilfredo Martell, C/A No. 9:23-03253-MGL-MHC on **January 31, 2024**;

5. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Jaamal Hinson vs. Bryan Stirling, C/A No. 1:23-cv-3906-MGL-SVH (Murder) (Federal Habeas Corpus), on **February 7, 2024, with no further extensions**;

6. Counsel filed the Respondent's additional attachment to Response to Motion to Compel [ECF #31] in the matter of Alonzo C. Jeter vs. Warden Wilfredo Martell, C/A No. 9:23-03253-MGL-MHC on **February 8, 2024**;

7. Counsel filed the Respondent's Reply to Response to Motion for Summary Judgment and Related Motions [ECF #s 36, 36-1, 41 & 45], together with a Motion to exceed page limit for a Reply, also in the matter of Alonzo C. Jeter vs. Warden Wilfredo Martell, C/A No. 9:23-03253-MGL-MHC on **February 13, 2024**;

8. Counsel filed the Respondent's Response to Petitioner's Motions ECF #s 37, 42, 43 & 44 in the matter of Alonzo C. Jeter vs. Warden Wilfredo Martell, C/A No. 9:23-03253-MGL-MHC on **February 15, 2024**;

9. Counsel filed the Reply to Response to Petitioner's Objections to Report and Recommendation [ECF #25] in the matter of Andre Richardson vs. Levern Cohen, Warden of Ridgeland Correctional Institution, C/A No. 2:23-00818-JDA on **February 22, 2024**

10. Counsel is also currently preparing the Initial Brief of Respondent in this matter; and

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

B. The transcript of this case is approximately 1,474 pages in length and the issues raised by Appellant are fact intensive and require careful review of the entire transcript;

C. Because of the two (2) issues raised by Appellant and the length of the transcript:

1. A law clerk has already been assigned to help in completion of this case and has done so; and

2. Respondent reviewed all of the exhibits and evidence in this case to complete the Initial Brief and Respondent on **February 8, 2024**, with the Lexington County Clerk of Court;

WHEREFORE, for extraordinary circumstances shown, counsel respectfully requests a sixth 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 March 29, 2024.

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

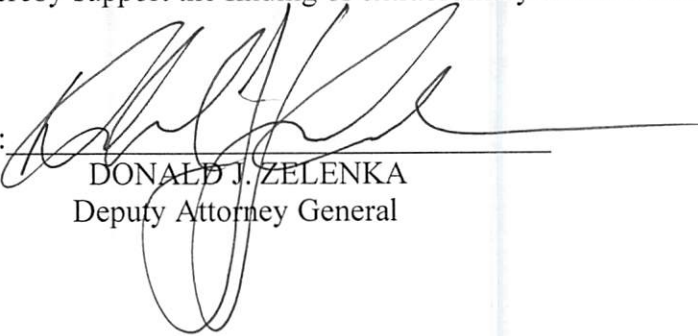
J. ANTHONY MABRY
Senior Assistant Attorney General
S.C. Bar No. 11973

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

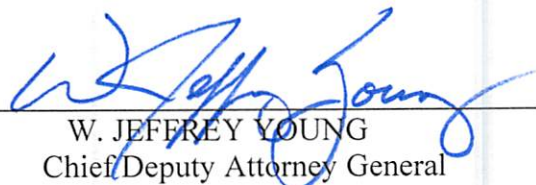
By: s/J. Anthony Mabry
J. ANTHONY MABRY
ATTORNEYS FOR RESPONDENT

February 27, 2024.

I hereby support the finding of extraordinary circumstances.

By: 
DONALD J. ZELENKA
Deputy Attorney General

I further support the finding of extraordinary circumstances.

By: 
W. JEFFREY YOUNG
Chief 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 Seventh 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, February 27, 2024 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 27th day of February, 2024.

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