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Apr 24 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Dorchester County  
The Honorable Maite Murphy, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

ANTHONY NICHOLAS ARGOE,

APPELLANT.

Appellate Case No. 2023-000223

**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 today, April 24, 2024. Counsel for Appellant has graciously consented to this extension requests through April 30, 2024. In support of this motion, counsel would respectfully show the Court the following circumstances:

The undersigned attorney has had a number of state, and federal matters to attend to since March 25, 2024, including matters in this Court. Specifically:

1. Counsel prepared and filed the Initial Brief of Respondent in the matter of State vs. Quayshaun X. Clark, Appellate Case No. 2022-000962, a Lexington County murder appeal matter in this Court, the South Carolina Court of Appeals, which was filed on **Friday, March 29, 2024;**

2. Counsel filed the Respondent's Response to Text Order [ECF #30] in the matter of Jamaal Hinson v. Bryan Stirling, C/A No. 1:23-3906-MGL-SVH in the United States District Court on **April 3, 2024**;

3. Counsel also filed the Reply to Response in Opposition to Motion for Summary Judgment [ECF #69] in the matter of Milciades Alcantara vs. Warden of McCormick Correctional Institution, C/A No. 9:21-cv-1498-RBH-MHC (Armed Robbery, Kidnapping, & CSC) on **April 8, 2024**; in United States District Court,

4. Counsel filed the Respondent's Reply to Petitioner's Response to the Motion for Summary Judgment [ECF #61] in the matter of Antonio Collins vs. Warden of Kirkland Correctional Institution, C/A No. 5:23-3696-DCC-KDW on **April 11, 2024**;

5. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary in the matter of Hector Camo Villafuerte vs. Warden of Evans Correctional Institution, C/A No. 9:23-05846-JDA-MHC on **April 17, 2024**;

6. Counsel is currently preparing the Return to Petition for Writ of Certiorari in the Sumter County murder appeal from this Court of State vs. James L. Ginther, Appellate Case No. 2024-000516. Same is currently pending in the South Carolina Supreme Court and is due to be filed on **May 2, 2024**;

7. Counsel is currently preparing the Initial Brief of Respondent in the matter of State vs. Derrick A. McIlwain, Appellate Case No. 2022-001425 – a Lancaster County murder appeal now currently pending in the South Carolina Court of Appeals and due to be filed on or before **May 8, 2025**;

8. Counsel is also currently working on the Initial Brief of Respondent in the Marion County murder appeal matter of The State vs. Isaac Kareem Hemingway, Appellate Case No.

2023-000408. Same is currently pending in the South Carolina Court of Appeals and is due to be filed on **May 13, 2024**;

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

WHEREFORE, for circumstances 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 May 24, 2024.

Respectfully Submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General  
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By: s/J. Anthony Mabry

J. ANTHONY MABRY  
**ATTORNEYS FOR RESPONDENT**

April 24, 2024.

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**PROOF OF SERVICE**  
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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, Robert M. Dudek, Esq., via email today, April 24, 2024 to [RDudek@sccid.sc.gov](mailto:RDudek@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 24<sup>th</sup> day of April, 2024.

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