

RECEIVED

May 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 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, May 24, 2024. Counsel for Appellant has graciously consented to extension requests through May 31, 2024. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances prevented the previous filing of the Initial Brief of Respondent:

The undersigned attorney has had a number of state, and federal matters to attend to since April 23, 2024, including matters in this Court. Specifically:

1. Counsel filed the Return to Petition for Writ of Certiorari in the Sumter County murder appeal matter of State vs. James L. Ginther, Appellate Case No. 2024-000516 on **April 29, 2024**, now pending in the South Carolina Supreme Court;

2. Counsel prepared and filed 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 pending in the South Carolina Court of Appeals on **May 6, 2024**;

3. Counsel filed a letter response to Petitioner-Appellant’s attempt to file a Rule 28(j) motion in the capital matter of Stephen C. Stanko vs. Bryan Stirling, Director, South Carolina Department of Corrections, and Michael Stephan, Warden Broad River Correctional Institution, C/A No. 22-2 and 22-3 in the United States Court of Appeals for the Fourth Circuit on **May 13, 2024**;

4. Counsel also filed a Motion to Strike in the matter of Stephen C. Stanko vs. Bryan Stirling, Director, South Carolina Department of Corrections, and Michael Stephan, Warden Broad River Correctional Institution, C/A No. 22-2 and 22-3 in the United States Court of Appeals for the Fourth Circuit on **May 13, 2024**;

5. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Maurice A. Odom vs. Warden of Broad River Correctional Institution, C/A No. 0:23-cv-6895-TMC-BM on **May 15, 2024**;

6. Counsel prepared a Response to Petitioner’s Motion to Supplement the Record Pursuant to Fed. R. App P. Rule 10(e) (ECF #140) in the matter of Stephen C. Stanko vs. Bryan Stirling, et al., C/A 1:19-03257-RMG-SVH, an Horry County capital matter in the United States District Court on **May 20, 2024**; counsel also filed an Amended Response on **May 21, 2024**;

7. Counsel also filed a Reply to Response to Motion to Strike in the matter of Stephen C. Stanko vs. Bryan Stirling, Director, South Carolina Department of Corrections, and Michael Stephan, Warden Broad River Correctional Institution, C/A No. 22-2 and 22-3 in the United States Court of Appeals for the Fourth Circuit on **May 22, 2024**;

8. Counsel filed the Respondent's Supplement to the Amended Return, and in Response to Text Order [ECF #71] in the matter of Milciades Alcantara vs. Warden of McCormick Correctional Institution, C/A No. 9:21-01498-RBH-MHC, also on **May 22, 2024**;

9. Counsel is actively working on the Return and Memorandum of Law in the matter of Arthur William Macon vs. Bryan Stirling, et al., C/A No. 0:24-185-HMH-PJG, and has completed more than half of the Return;

10. Counsel is also currently working on the Initial Brief of Respondent in the Marion County murder/weapons possession appeal matter of The State vs. Isaac Kareem Hemingway, Appellate Case No. 2023-000408 which is currently pending in the South Carolina Court of Appeals; and

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

WHEREFORE, for extraordinary circumstances 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 June 24, 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

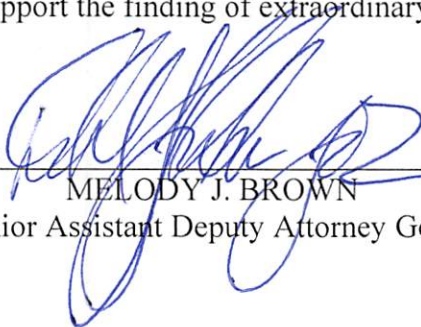
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-6305

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

May 24, 2024.

I support the finding of extraordinary circumstances.

By:



MELODY J. BROWN

Senior Assistant Deputy Attorney General

RECEIVED

May 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

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, Robert M. Dudek, Esq., Esq., via email today, May 24, 2024 to RDudek@sccid.sc.gov and to his assistant at spollard@sccid.sc.gov.

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

This 24th day of May, 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