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Jun 21 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 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 Monday, June 24, 2024. Counsel for Appellant has graciously consented to extension requests through June 30, 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 May 21, 2024, including matters in this Court. Specifically:

1. 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 filed on **May 20, 2024**; counsel also filed an Amended Response on **May 21, 2024**;

2. 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**;

3. 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**;

4. Counsel filed a Motion for Leave to File Sur Reply, as well as the Sur Reply to the Amended Response to the First Motion to Supplement the Record in the United States District Court for the District of South Carolina, also in the matter of Stephen C. Stanko vs. Bryan Stirling, Director, South Carolina Department of Corrections, and Michael Stephan, Warden Broad River Correctional Institution, (capital case) C/A No. 1:19-03257-RMG-SVH on **May 31, 2024**;

5. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Calvin Terrell Williams vs. Warden of Perry Correctional Institution, C/A No. 9:24-00457-JFA-MHC on **June 3, 2024**;

6. Counsel filed the Respondent's Reply to Response to Motion for Summary Judgment [ECF #30] in the matter of Tyrone Jenkins, #260214 vs. Warden, Allendale Correctional Institution, C/A No. 2:23-04993-SAL-MGB on **June 6, 2024**;

7. Counsel also filed the Respondent's Reply to Response to Motion for Summary Judgment [ECF #48] in the matter of Maurice Odom vs. Warden of Broad River Corr. Inst., C/A No. 8:23-06895-TMC-BM, on June 7, 2024;

8. Counsel filed 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 on June 12, 2024;

9. Counsel filed the Return to the Amended Petition or Federal Habeas Corpus Relief pursuant to 28 U.S.C. Section 2241 per Text Order ECF #35 in the matter of Steven W. Oxendine, #383737 vs. Warden of Evans Correctional Institution, C/A No. 2:23-00160-SAL-MGB (Federal Habeas Corpus) on June 13, 2024;

10. Counsel filed the Respondent's Reply to Objections to Report and Recommendation [ECF #79] in the matter of Milciades Alcantara vs. Warden of McCormick Correctional Institution, C/A No. 9:21-01498-DCC on June 20, 2024; and

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

WHEREFORE, for extraordinary circumstances 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 July 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

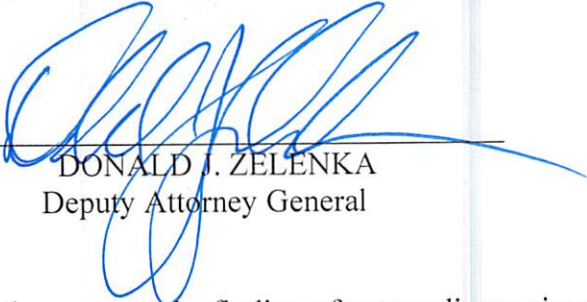
J. ANTHONY MABRY

**ATTORNEYS FOR RESPONDENT**

June 21, 2024.

I support the finding of extraordinary circumstances.

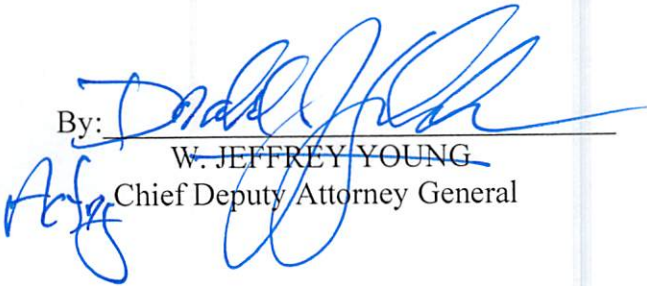
By:



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. 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 FOURTH 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, June 21, 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 21<sup>st</sup> day of June, 2024.

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