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Jul 16 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Florence County  
The Honorable D. Craig Brown, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

v.

MASON YARBOROUGH,

APPELLANT.

Appellate Case No. 2023-000694

\_\_\_\_\_  
**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 tomorrow, Wednesday, July 17, 2024. Counsel for Appellant has graciously consented to extension requests up to and including July 31, 2024. In support of this motion, counsel would respectfully show the Court the following circumstances:

Respondent has been unable to complete this brief because the undersigned attorney has had a number of other state, and federal matters to attend to since June 13, 2024 including matters in this Court. Specifically:

1. 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**;

2. 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 (Federal Habeas Corpus) on **June 20, 2024**;

3. Counsel filed a supplemental authorities letter in the United States Court of Appeals for the Fourth Circuit in the capital matter of Stephen C. Stanko vs. Bryan Stirling, et al., Case No. 22-3 on **June 21, 2024**;

4. Counsel filed the Respondent's Reply to Response to Motion for Summary Judgment [ECF #51] in the matter of Steven W. Oxendine, #383737 vs. Warden of Evans Correctional Institution, C/A No. 2:23-00160-SAL-MGB on **July 8, 2024**;

5. Counsel filed the Respondent's Reply to Response to Opposition to Motion for Summary Judgment [ECF #53] in the matter of Steven W. Oxendine, #383737 vs. Warden of Evans Correctional Institution, C/A No. 2:23-00160-SAL-MGB on **July 12, 2024**;

6. Counsel filed 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, which contains five issues, and same was filed on **Friday, July 12, 2024**; and

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

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 August 16, 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**

July 16, 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, July 16, 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 16<sup>th</sup> day of July, 2024.

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