

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Florence County  
The Honorable Steven H. DeBerry, Circuit Court Judge

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THE STATE,

Respondent,

v.

ANTONIO DENON BRAYBOY,

Petitioner.

Appellate Case No. 2023-001182

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**MOTION FOR FIFTH EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF  
MATTER**

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Respondent, the State, moves this Court for an additional thirty (30) day extension of time up to and including August 30, 2024, in which to file the Initial Brief of Respondent and Designation of Matter. The Initial Brief and Designation of Matter is currently due to be filed today, July 31, 2024. The case was reassigned on July 1, 2024, and while a substantial portion of the brief is complete, more time is needed to perfect and complete the brief. Undersigned counsel reached out to opposing counsel for consent via email yesterday, July 30, 2024 yet as of today, July 31, 2024 at 4:15 pm we have not heard back from them.

Counsel would respectfully show the court the following:

Counsel has been attending to other pressing matters, several which involve pending capital cases, including: reviewed and edited the return to the amended PCR application in a

capital PCR action (*Norman Starnes, review completed June 28, 2024*); prepared and filed the Status Report in a Federal Habeas Matter (*Carnie Norris, #227226 v. Curtis Earley, Warden, July 1, 2024*); completed gathering substitutes for state court records and filed privileged matters *ex parte* and under seal in a capital federal habeas corpus action (*William Dickerson, July 9, 2024*); completed and filed a response brief in a capital case federal habeas action appeal in the Fourth Circuit (*Stephen Corey Bryant, July 10, 2024*); completed and file status reports in two capital case federal habeas actions (*James Robertson, July 15, 2024; Anthony Woods, July 15, 2024*); completed and filed in the federal district court a response to motion to stay execution in a capital case (*Stephen Stanko, July 15, 2024*); drafted and submitted letter responses to additional authority letters in two PCR capital cases (*Timothy Jones, July 15, 2024; John Richard Wood, July 15, 2024*); participated in a status conference in another capital PCR case (*Alkebulanyahh v. State, July 15, 2024*); and, prepared and filed a pre-trial brief then participated in a capital PCR hearing held *July 17-18, 2024* in the Lexington County Courthouse on a claim of intellectual disability, and also prepared and submitted a short order for post-hearing briefing (*Gary Terry*). Counsel prepared and filed the Reply to Response in Opposition to Motion for Summary Judgment and the Response to Motion to Expand the Record in a Federal Habeas matter (*Bennie Mitchell v. Warden Stephen Duncan, July 22, 2024*) Additionally, counsel is aiding in preparation for another hearing on a claim of intellectual disability in a separate capital PCR action (*Bobby Wayne Stone (scheduled for July 29, 2024)*).

WHEREFORE, based on the foregoing, undersigned counsel for Respondent respectfully requests a 30-day extension for filing the Return, allowing the Return to be filed on or before August 30, 2024.

Respectfully submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General

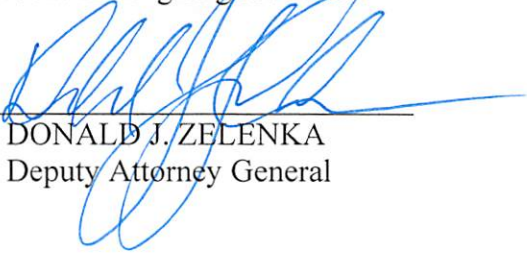
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-6305

By: *s/Melody J. Brown*  
MELODY J. BROWN  
S.C. Bar No. 14244

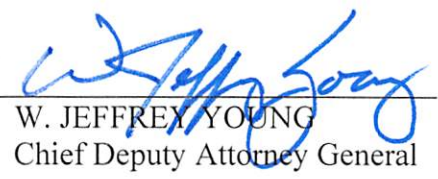
July 31, 2024

[signature page continued next page]

I support the finding of good cause.

By:   
DONALD J. ZELENKA  
Deputy Attorney General

I too support the finding of good cause.

By:   
W. JEFFREY YOUNG  
Chief Deputy Attorney General

**RECEIVED**

**Jul 31 2024**

**SC Court of Appeals**

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**PROOF OF SERVICE**

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The undersigned certifies that as per the March 20, 2020 Order of the Chief Justice, the Motion for Fifth Extension of Time to File Initial Brief of Respondent and Designation of Matter, and Proof of Service have been forwarded to Petitioner's counsel, Ralph J. Wilson, Esq. and Lauren K. Anderson, Esq., via email today, July 31, 2024 at the following addresses: [attorney@ralphwilsonlaw.com](mailto:attorney@ralphwilsonlaw.com), and [laurenanderson@ralphwilsonlaw.com](mailto:laurenanderson@ralphwilsonlaw.com).

*s/Melody J. Brown*  
Melody J. Brown

July 31, 2024

## Brandy Rankin

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**From:** Brandy Rankin  
**Sent:** Wednesday, July 31, 2024 4:28 PM  
**To:** Wilson Law Group; Lauren Anderson  
**Cc:** Melody Brown; Angela Brown  
**Subject:** The State v. Antonio Denon Brayboy - Fifth Motion for Extension to file the Initial Brief & Designation of Matter  
**Attachments:** Brayboy.Antonio - Fifth Extension to file Initial Brief and Designation of Matter, 7-31-24 (03651373xD2C78).pdf  
**Follow Up Flag:** Worldox

Dear Mr. Wilson and Ms. Anderson,

Please find attached the Respondent's Fifth Motion for Extension to file the Initial Brief and Designation of Matter. This document will be filed with the South Carolina Court of Appeals today, July 31, 2024, along with a copy of this email. Have a great evening.

Sincerely,

*Brandy Rankin*

Brandy Rankin, Legal Assistant  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
803-734-6305



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