

**RECEIVED**

**Aug 15 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 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 tomorrow, Friday, August 16, 2024. Counsel for Appellant has graciously consented to extension requests up to and including August 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 July 16, 2024 including matters in this Court. Specifically:

1. Counsel prepared the Reply to Response in Opposition to Motion for Summary Judgment [ECF #29] in the matter of Arthur W. Macon vs. Bryan Stirling, et al., C/A No. 0:24-185-HMH-PJG on **July 29, 2024**;

2. Counsel assisted in the preparation of a murder trial, State v. Devonte Page, on July 22, 2024, to be conducted in Dillon County, on July 29, 2024, prosecuted by the Attorney General's Office;

3. Counsel also filed the Reply to Objections to Report and Recommendation [ECF #63] in the matter of Jon W. Jarrard vs. Warden Wilfredo Martell, C/A No. 5:23-cv-2588-SAL-KDW on **August 2, 2024**;

4. Counsel filed the Reply to Response in Opposition to Motion for Summary Judgment [ECF #27] in the matter of Calvin T. Williams vs. Warden of Perry Correctional Institution, C/A No. 9:24-cv-457-JFA-MHC on **August 9, 2024**;

5. Counsel filed the Respondent's Response to Objections to Report and Recommendation [ECF #46] in the matter of Malcolm Antwon Williams, #372578 vs. Wilfredo Martell, Warden, C/A No. 4:23-1833-DCC on **August 12, 2024**

6. Counsel filed the Respondent's Response to Motion [ECF #135] in the matter of Ron Santa McCray vs. Warden of Lieber Correctional Institution, C/A No. 1:22-1204-TLW, also on **August 12, 2024**;

7. Counsel has prepared the Return and Memorandum of Law in Support of Summary Judgment in Michael Young v. Warden, a federal habeas matter, where the petitioner was convicted of murder and ABWIK and no further extensions are permitted. Same is due to be filed tomorrow, **August 16, 2024**;

8. Counsel prepared and filed a Motion to Strike and Require Filing of Amended Initial Brief of Appellant in the matter of The State vs. Antonio D. Brayboy, Appellate Case No. 2023-001182, a Florence County murder appeal matter now pending in this court yesterday, **August 14, 2024**;

9. Counsel filed a Motion to Supplement the Record Pursuant to Rule 212(a)&(b), SCACR, with attachments, in the matter of The State vs. Anthony Nicholas Argoe, Appellate Case No. 2023-000223, a Dorchester County direct appeal matter now pending in this court today, **August 15, 2024**;

10. Counsel is currently preparing the Initial Brief of Respondent in the matter of The State vs. Antonio D. Brayboy, Appellate Case No. 2023-001182, a Florence County murder appeal matter now pending in this court; and

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

WHEREFORE, for 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 September 16, 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

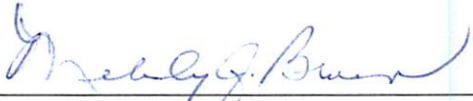
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By: s/J. Anthony Mabry  
J. ANTHONY MABRY  
**ATTORNEYS FOR RESPONDENT**

August 15, 2024.

I support the finding of good cause.

By:   
MELODY J. BROWN  
Senior Assistant Deputy Attorney General

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THE STATE,

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MASON YARBOROUGH,

APPELLANT.

Appellate Case No. 2023-000694

\_\_\_\_\_  
**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., via email today, July 16, 2024 to [RDudek@sccid.sc.gov](mailto:RDudek@sccid.sc.gov) and to his assistant at [kwarren@sccid.sc.gov](mailto:kwarren@sccid.sc.gov).

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

This 15<sup>th</sup> day of August, 2024.

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