

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County
The Honorable J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MARCUS D. BATSON,

APPELLANT.

Appellate Case No. 2022-001593

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

Respondent, the State, moves this Court for an additional thirty (30) day extension of time up to and including October 7, 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, tomorrow, Friday, September 6, 2024. Opposing Counsel has graciously consented to all extension requests through September 30, 2024. This is Respondent's third request for an extension of time in which to file the Brief. In support of the request, undersigned counsel for Respondent would respectfully show unto the Court the following circumstances:

R. Brandon Larrabee, Esq. was assigned this case shortly after joining this office. Mr. Larrabee has been working on the following matters:

1. Counsel is currently preparing the Return and Memorandum in Support of Motion for Summary Judgment in the matter of Joseph W. Dunbar, Jr. vs. Donnie Stonebreaker, 9:23-cv-5323-RMG-MHC which will be filed tomorrow, Friday, **September 6, 2024**;
2. Counsel filed the Petition for Rehearing in the matter of Justin Ryan Cone vs. State of South Carolina, Appellate Case No. 2022-001498, in the Pickens County post-conviction relief matter in the South Carolina Supreme Court on **August 29, 2024**;
3. Counsel filed the Initial Brief of Respondent in the matter of The State vs. Devante L. White, Appellate Case No. 2022-001793, a Beaufort County murder appeal matter on **August 30, 2024**;
4. Counsel is also currently working on the Federal Habeas Corpus matter of Millanyo Woody vs. Warden Tucker, 2:19-cv-785-SAL-MGB; and
5. Counsel is currently preparing the Initial Brief of Respondent in this matter.

Thus, counsel respectfully requests a thirty (30) day extension of time to allow counsel to complete the Initial Brief of Respondent. This is Respondent's third request for additional time to do so.

WHEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete the Initial Brief of Respondent in this matter.

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/ R. Brandon Larrabee
R. BRANDON LARRABEE
ATTORNEYS FOR RESPONDENT

September 5, 2024

I hereby support the finding of good cause.

By: 

MELODY J. BROWN
Senior Assistant Deputy Attorney General

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PROOF OF SERVICE

I, **Brandon Larrabee**, attorney for the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion for Third Extension of Time to File the Initial Brief of Respondent has been forwarded to Appellant's counsel, Joanna K. Delany, Esq. and to her assistant, Kaylynn Warren via email today, September 5, 2024 to jdelany@sccid.sc.gov and to kwarren@sccid.sc.gov.

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

This 5th day of September, 2024.

s/ R. Brandon Larrabee
R. BRANDON LARRABEE
Assistant Attorney General