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SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Lexington County  
The Honorable Debra R. McCaslin, Circuit Court Judge

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THE STATE,

RESPONDENT,

v.

TREVOR ANTHONY IRVIN,

APPELLANT.

Appellate Case No. 2023-001075

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

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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. Counsel for Appellant has graciously consented to extension requests through September 30, 2024. In support of this motion, counsel would respectfully show the Court the following circumstances:

Respondent's Initial Brief and Designation of Matter is due to be filed today, September 13, 2024. The undersigned attorney has had a number of state, and federal matters to attend to since August 14, 2024. Specifically:

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

1. 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;**

2. 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;**
3. Counsel filed 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 on **September 11, 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;
5. Counsel is currently preparing the Initial Brief of Respondent in the matter of The State vs. Marcus D. Batson, Appellate Case No. 2022-001593, a Spartanburg County murder appeal matter now pending in the South Carolina Court of Appeals; and
6. Counsel is currently preparing the Return and Memorandum of Law in the matter of Theodore Wills vs. Warden Levern Cohen, C/A No. 5:24-708-JFA-KDW, an Horry County federal habeas matter.

WHEREFORE, for the following circumstances, 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 on October 15, 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

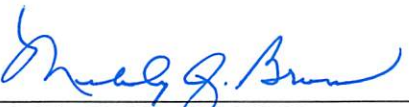
R. BRANDON LARRABEE  
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By: s/R. Brandon Larrabee  
R. BRANDON LARRABEE  
ATTORNEYS FOR RESPONDENT

September 13, 2024.

I support the finding of good cause.

By:   
MELODY J. BROWN  
Senior Assistant Deputy Attorney General

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**PROOF OF SERVICE**

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I, **Donna D'Alessio**, an employee of the Respondent and legal assistant to R. Brandon Larrabee, 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, Lara Caudy, Esq., via email today, September 13, 2024 to [lcaudy@sccid.sc.gov](mailto:lcaudy@sccid.sc.gov) and to her assistant at [smcinnis@sccid.sc.gov](mailto:smcinnis@sccid.sc.gov).

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

This 13<sup>th</sup> day of September, 2024.

*s/ Donna D'Alessio*  
Donna D'Alessio, Legal Assistant to  
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