

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. 2023-001593

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

The undersigned counsel would respectfully request a fourth 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 October 31, 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 Monday, October 7, 2024. The undersigned attorney has had a number of state, and federal matters to attend to since September 4, 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 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**;

2. Counsel is also currently working on the Federal Habeas Corpus matter of Millanyo Woody vs. Warden Tucker, 2:19-cv-785-SAL-MGB;
3. 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;
4. Counsel has a term of court for post-conviction relief on Wednesday, October 9, 2024; and
4. Counsel is currently preparing the Initial Brief in this matter.

WHEREFORE, for the following circumstances, counsel respectfully requests a FOURTH 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 November 6, 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
Assistant Attorney General
S.C. Bar No. 104865

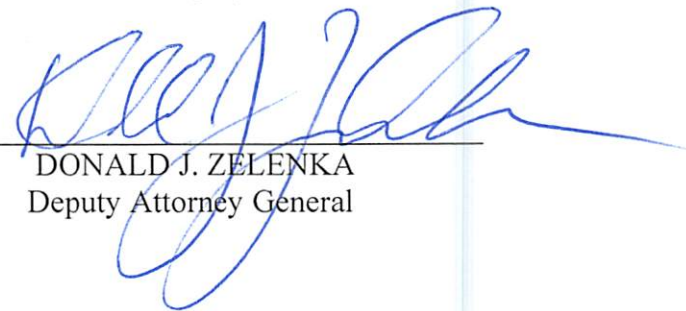
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By: s/R. Brandon Larrabee
R. BRANDON LARRABEE
ATTORNEYS FOR RESPONDENT

October 4, 2024.

I support the finding of good cause.

By: 
MELODY J. BROWN,
Senior Assistant Deputy Attorney General

By: 
DONALD J. ZELENKA
Deputy Attorney General

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SC Court of Appeals

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PROOF OF SERVICE

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 Fourth Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Joanna Delaney, Esq., via email today, October 4, 2024 to jdelaney@sccid.sc.gov and to her assistant at kwarren@sccid.sc.gov.

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

This 4th day of October, 2024.

s/ Donna D'Alessio

Donna D'Alessio, Legal Assistant to
R. Brandon Larrabee,
Assistant Attorney General
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