

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

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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 14, 2024. The undersigned attorney has had a number of state, and federal matters to attend to since September 11, 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 had a term of court for post-conviction relief on Wednesday, October 9, 2024;
4. Counsel is currently preparing the Initial Brief in the matter of The State vs. Marcus D. Batson, Appellate Case No. 2023-001593, a Spartanburg County murder appeal matter now pending in the South Carolina Court of Appeals; and
5. Counsel is currently preparing the Initial Brief of Respondent 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 13, 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

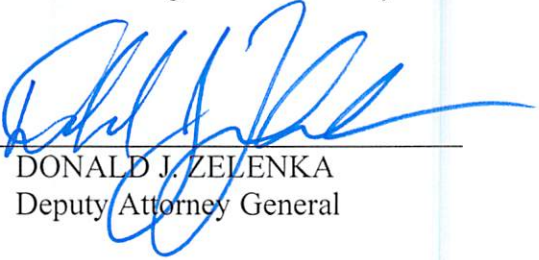
R. BRANDON LARRABEE  
Assistant Attorney General  
S.C. Bar No. 104865

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Post Office Box 11549  
Columbia, South Carolina 29211-1549  
(803) 734-6305

October 11, 2024.

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

I support the finding of extraordinary circumstances.

By:   
DONALD J. ZELENKA  
Deputy Attorney General

I further support the finding of extraordinary circumstances.

By:   
W. JEFFREY YOUNG  
Chief 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 Fourth 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, October 11, 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 11<sup>th</sup> day of October, 2024.

s/ Donna D'Alessio  
Donna D'Alessio, Legal Assistant to  
R. Brandon Larrabee,  
Assistant Attorney General  
Office of the Attorney General  
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