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Nov 14 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 SIXTH EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a SIXTH 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, November 15, 2024. Counsel for Appellant has graciously consented to extension requests up to and including November 30, 2024. In support of this motion, counsel would respectfully show the Court the following extraordinary 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 October 15, 2024 including matters in this Court. Specifically:

1. Counsel filed the Brief of Respondent in the matter of State vs. James E. Daniels, Jr., Appellate Case No. 2023-001170, an Horry County murder appeal matter now pending in the South Carolina Supreme Court on **October 15, 2024**;

2. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Breon Mayers v. Shane Jackson, Warden of Lee Correctional Institution, C/A 0:24-cv-1240-DCN-PJG on **October 28, 2024**;

3. Counsel filed the Return to Petition for Writ of Certiorari in the matter of State vs. Charles Barham, Appellate Case No. 2024-001495, a Richland County murder appeal matter now pending in the South Carolina Supreme Court on **October 30, 2024**;

4. Counsel filed the Respondent's Response to Motion to Stay Execution in the matter of Stephen Stanko vs. Bryan P. Stirling and Lydell Chestnut, 1:24-cv-4109-RMG-SVH, a Georgetown capital Federal Habeas Matter on **October 31, 2024**;

5. Counsel filed the Initial Brief of Respondent in the matter of State vs. JeJauncey F. Harrington, Appellate Case No. 2023-000305, a Marlboro County murder appeal now pending in the South Carolina Court of Appeals on **November 1, 2024**;

6. Counsel filed the Respondent's Response to Motion to Alter or Amend [ECF #72] in the matter of Alonzo C. Jeter v. Warden Wilfredo Martell, C/A No. 9:23-03253-MGL on **November 5, 2024**;

7. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Filberto Campos vs. Warden Shane Jackson, C/A No. 8:24-cv-3510-JD-BM on **November 6, 2024**;

8. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Emonte Brooks vs. Shane Jackson, Warden, 1:24-cv-3511-JDA-SVH today, **November 14, 2024**;

9. Counsel prepared and attended oral argument on behalf of the State in the matter of State vs. Donovan Tirrell Brannon, Appellate Case No. 2022-000015, a Lexington County murder appeal matter before the South Carolina Court of Appeals today, **November 14, 2024**;

10. Counsel is currently preparing the Petition for Writ of Certiorari in the matter of State vs. Kierin Marcellus Dennis, a Lexington County murder appeal matter now pending in the South Carolina Supreme Court. Same is due to be filed on **November 29, 2024**;

11. Counsel also prepared the Reply to Response to Motion for Summary Judgment in the matter of Breon J. Mayers vs. Shane Jackson, Warden of Lee Correctional Institution, C/A No. 0:24-cv-1240-DCN-PJG. Same will be filed tomorrow, **November 15, 2024**;

12. Counsel is currently working on the Initial Brief of Respondent in the matter of State vs. Jharaun Washington, Appellate Case No. 2023-000468, a Jasper County murder appeal matter now pending in the South Carolina Court of Appeals; and

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

WHEREFORE, for circumstances shown, counsel respectfully requests a sixth 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 December 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

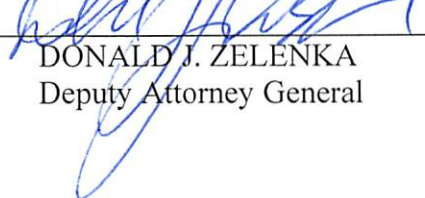
J. ANTHONY MABRY
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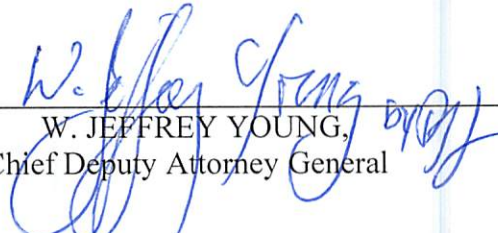
By: s/J. Anthony Mabry
J. ANTHONY MABRY
ATTORNEYS FOR RESPONDENT

November 14, 2024.

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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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 Sixth 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, November 14, 2024 to RDudek@sccid.sc.gov and to his assistant at kwarren@sccid.sc.gov.

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

This 14th day of November, 2024.

s/ Donna D'Alessio
Donna D'Alessio, Legal Assistant to
J. Anthony Mabry
Senior Assistant Attorney General
Office of the Attorney General
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