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Dec 03 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
The Honorable Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

ANTONIO VASHON BARNES, JR.,

APPELLANT.

Appellate Case No. 2023-001390

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

The undersigned counsel would respectfully request a SECOND 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 December 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 today, Tuesday, December 3, 2024. The undersigned attorney has had a number of state, and federal matters to attend to since November 1, 2024, specifically:

1. Counsel filed the Respondent's Response to Motion to Compel [ECF #24] in the matter of Arthur Quintin Jones, Jr. vs. Warden Evans Correctional Institution, C/A No. 6:24-04191-JFA-KFM on November 1, 2024;
2. Counsel filed the Respondent's Reply to Objections to Report and Recommendation [ECF #34] in the matter of David Andrew Bowers vs. Warden William Langdon, III, C/A No. 0:24-287-JD-PJG on November 4, 2024;
3. Counsel appeared for oral argument in the matter of The State vs. Andre Covington, Jr., Appellate Case No. 2022-000831, a Chesterfield County murder appeal now pending before the South Carolina Court of Appeals on Tuesday, November 5, 2024;
4. Counsel filed the Respondent's Response in Opposition to Petitioner's Motions [ECF #s 25 & 26] in the matter of Arthur Quintin Jones, Jr. vs. Warden Evans Correctional Institution, C/A No. 6:24-04191-JFA-KFM on November 12, 2024;
5. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Kevin C. Casey vs. Warden of Tyger River, C/A No. 9:24-03653-JFA-MHC on November 15, 2024;
6. Counsel filed the Respondent's Response to Motion to Dismiss Petition without prejudice [ECF #29] in the matter of Adrian Jenkins vs. Warden Lavern, C/A No. 0:24-2636-DCN-PJG on November 21, 2024;
7. Counsel filed the Respondent's Reply to Petitioner's Response in Opposition to Motion for Summary Judgment [ECF #43] in the matter of Quoteas Nesbitt vs. Warden of Ridgeland Correctional Institution, C/A No. 5:24-316-BHH on November 21, 2024;

8. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Arthur Quinton Jones, Jr. vs. Warden of Evans Correctional Institution, C/A No. 6:24-cv-4161-JFA-KFM on November 27, 2024;

9. Counsel filed the Reply to objection to report and recommendation ECF #67 in the matter of George S. Branham, II vs. Bryan Stirling and Shane Jackson, Warden, C/A No. 0:23-cv-745-SAL-PJG yesterday, December 2, 2024; and

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

WHEREFORE, for the following circumstances, counsel respectfully requests a SECOND 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 January 2, 2025.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
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By: s/W. Joseph Maye
W. JOSEPH MAYE
ATTORNEYS FOR RESPONDENT

December 3, 2024.

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PROOF OF SERVICE

I, **Donna D'Alessio**, an employee of the Respondent and legal assistant to W. Joseph Maye, of counsel for the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Second 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, December 3, 2024 to lcaudy@sccid.sc.gov and to her assistant at smcinnis@sccid.sc.gov.

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

This 3rd day of December, 2024.

s/ Donna D'Alessio
Donna D'Alessio, Legal Assistant to
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Assistant Attorney General
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