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Jan 03 2025

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

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 January 31, 2025. 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, Friday, January 3, 2025. The undersigned attorney has had a number of state, and federal matters to attend to since December 4, 2024, specifically:

1. Counsel prepared and filed the Respondent's Response in Opposition to Motion for Stay of Execution in the capital matter of Steven Vernon Bixby vs. State of South Carolina,

Appellate Case No. 2007-054161, now pending in the South Carolina Supreme Court on Friday, December 6, 2024;

2. Counsel filed the Initial Brief of Respondent in the matter of The State vs. Michel T. Bolton, Appellate Case No. 2023-001327, a Charleston County murder appeal matter now pending in the South Carolina Court of Appeals on December 9, 2024;

3. Counsel filed the Final Brief of Respondent in the matter of The State vs. Antone B. E.T. Blakely, Appellate Case No. 2023-000721, a Laurens County murder appeal matter now pending in the South Carolina Court of Appeals, also on December 9, 2024;

4. Counsel also prepared a Motion for Order Requiring Disclosure of Mental Health Status and Competency in the capital matter of Steven Vernon Bixby vs. State of South Carolina, Appellate Case No. 2007-054161, now pending in the South Carolina Supreme Court on December 10, 2024;

5. Counsel filed the Respondent's Reply to the Response in Opposition in the capital matter of Steven Vernon Bixby vs. State of South Carolina, Appellate Case No. 2007-054161 on December 23, 2024;

6. Counsel filed the Return to Petition for Writ of Certiorari in the death penalty matter of Marion Bowman, Jr., SK #6006 vs. Bryan P. Stirling, Commissioner, South Carolina Department of Corrections, Appellate Case No. 2024-002113, together with attachments on December 30, 2024;

7. Counsel filed the Return to Amended Petition for Writ of Habeas Corpus in the matter of Mickey Markell Johnson vs. Warden, Broad River Correctional Institution, C/A No. 0:24-1623-TMC-PJG on December 31, 2024;

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

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 February 3, 2025.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

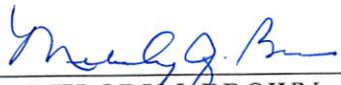
W. JOSEPH MAYE
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By: s/W. Joseph Maye
W. JOSEPH MAYE
ATTORNEYS FOR RESPONDENT

January 2, 2025.

I support the finding of good cause.

By: 
MELODY J. BROWN
Senior Assistant Deputy Attorney General

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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 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, January 2, 2025 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 January, 2025.

s/ Donna D'Alessio
Donna D'Alessio, Legal Assistant to
W. Joseph Maye,
Assistant Attorney General
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