

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County
Honorable William A. McKinnon, Circuit Court Judge
Appellate Case No. 2023-001374

THE STATE,

Respondent,

vs.

STACY MICHELLE RABON,

Appellant.

**MOTION FOR THIRD EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTER**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter are due to be served and filed on January 15, 2025.

II.

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the State moves for a **third** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. Earlier today, the undersigned counsel participated in oral argument at the Supreme Court in State v. Jason Bryan McSwain.

Additionally, earlier this week, the undersigned counsel filed an Initial Brief of Respondent and Designation of Matter in State v. Cortez Javar Whitener. Furthermore, in the past few weeks, the undersigned counsel submitted a Return to Petition for Writ of Certiorari in the Supreme Court in Antonio Gordon v. State and Brian Foster v. State. Along with that, the undersigned counsel has attended to other responsibilities, including supervisory and administrative ones, in the office.

III.

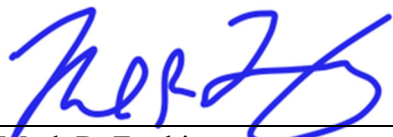
The undersigned counsel submits this extension request is supported by good cause and is not intended for purposes of delay. The Brief in the above-referenced case involves an important issue related to the propriety of the trial judge's jury instructions. The undersigned counsel is currently working on the Brief in this case and intends to have it finished in a timely manner. However, the undersigned counsel has not yet been able to finish the Brief due to a heavy workload and other issues that have required the undersigned counsel's attention. Accordingly, in order to ensure the Brief is properly researched and prepared, I would therefore request an additional extension of time within which to serve and file the Brief.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty days from the date such relief is granted; hold the matter in abeyance pending a ruling on Respondent's motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Deputy Attorney General

By: 
Mark R. Farthing
S.C. Bar Number 76901

I have reviewed and approved this extension request.

By: /s/ Donald J. Zelenka
Donald J. Zelenka
Deputy Attorney General

January 15, 2025

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Jan 15 2025

SC Court of Appeals

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PROOF OF SERVICE

I, Caroline Collins, certify I have served the within Motion for the Third Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter on Appellant by sending an electronic copy via email to the address listed in AIS for the following individual:

David Alexander, Esquire
S.C. Commission on Indigent Defense
Office of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29201

I further certify all parties required by Rule to be served have been served.
This 15th day of January, 2025.



CAROLINE COLLINS
Administrative Support Manager
Office of the Attorney General