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Jan 31 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

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THE STATE,

RESPONDENT,

v.

ANTONIO VASHON BARNES, JR.,

APPELLANT.

Appellate Case No. 2023-001390

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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 today, January 31, 2025. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

Respondent's Initial Brief and Designation of Matter is due to be filed Monday, February 3, 2025. The undersigned attorney has had a number of state, and federal matters to attend to since December 31, 2024, specifically:

1. 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;

2. Counsel filed the Respondent's Response in Opposition to Petitioner's Motion for Reconsideration [ECF #84] in the matter of Earnest Vaughn vs. Warden Turbeville Correctional Institution, C/A No. 6:23-04220-JDA on January 2, 2025;

3. Counsel also filed the Respondent's Response in Opposition to Petitioner's Motion to Amend Petition [ECF #66] in the matter of Mickey Markell Johnson vs. State of South Carolina, C/A No. 0:24-1623-TMC-PJG on January 6, 2025;

4. Counsel prepared and filed the Response in Opposition to Motion for Stay of Execution in the death penalty matter of Marion Bowman, Jr. vs. Bryan P. Stirling, Appellate Case No. 2024-002113, a Dorchester County matter in the South Carolina Supreme Court on January 10, 2025;

5. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #41] in the matter of Arthur Quintin Jones, Jr. vs. Warden Evans Correctional Institution, C/A No. 6:24-04191-JFA-KFM on January 14, 2025;

6. Counsel filed the Respondent's Reply to Response in Opposition to Respondent's Motion for Sanctions, together with Affidavits in the capital post-conviction relief matter of Luzenski Allen Cottrell, #6020 vs. State of South Carolina, Case No. 2008-CP-26-5709 on January 24, 2025;

7. Counsel prepared and filed the Brief in Opposition in the matter of Marion Bowman, Jr. vs. Bryan P. Stirling, Director, South Carolina Department of Corrections, et al.,

Case No. 24-6376, a Dorchester County capital matter in the Supreme Court of the United States on January 27, 2025;

8. Counsel filed the Final Brief of Respondent in the matter of The State vs. Michael Tiven Bolton, Appellate Case No. 2023-001327, a Charleston County direct appeal matter now pending in the South Carolina Court of Appeals on January 28, 2025;

9. Counsel is currently preparing the Return to Petition for Writ of Certiorari in the Matter of Dwayne C. Tallent vs. State of South Carolina, Appellate Case No. 2024-000627, a Greenville County post-conviction appeal matter now pending in the South Carolina Supreme Court. Same is due to be filed on Monday, February 3, 2025; and

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

WHEREFORE, for the following extraordinary 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 March 5, 2025.

Respectfully Submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General

W. JOSEPH MAYE  
Assistant Attorney General  
S.C. Bar No. 100851

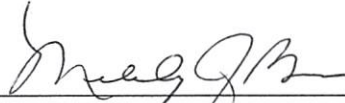
Office of the Attorney General  
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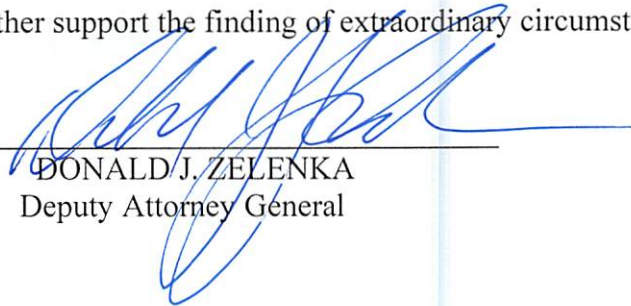
By: s/W. Joseph Maye  
W. JOSEPH MAYE  
ATTORNEYS FOR RESPONDENT

January 31, 2025.

I support the finding of extraordinary circumstances.

By:   
MELODY J. BROWN  
Senior Assistant Deputy Attorney General

I further support the finding of extraordinary circumstances.

By:   
DONALD J. ZELENKA  
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 W. Joseph Maye, 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, January 31, 2025 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 31<sup>st</sup> day of January, 2025.

s/ Donna D'Alessio  
Donna D'Alessio, Legal Assistant to  
W. Joseph Maye,  
Assistant Attorney General  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211-1549  
(803) 734-6305