

**RECEIVED**

**Feb 03 2025**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Sumter County  
The Honorable R. Kirk Griffin, Circuit Court Judge

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THE STATE,

Respondent,

v.

DIONTRAE TRAVON EPPS,

Appellant.

Appellate Case No. 2023-001586

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**MOTION FOR FOURTH EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER  
(with consent)**

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Undersigned counsel would respectfully request a thirty (30) day extension up to and including March 5, 2025, in which to serve and file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. Opposing counsel was contacted and has graciously consented to this request. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of matter are due today, February 3, 2025, pursuant to this Court's prior Order dated January 6, 2025. However, counsel for Respondent has been unable to complete the brief in the time previously granted. Undersigned counsel has had a number of state and federal matters to attend since January 6, 2025, most notably in capital cases, which include but are not limited to the following: prepared and filed Returns and Memorandums of Law in Support of Motion for Summary Judgment (*Scott Welch, January 6, 2025 and Lance*

*Miller, January 13, 2025*); prepared for and attended a Webex status conference in a capital PCR action (*John Richard Wood, January 8, 2025*), and subsequently provided a proposed order for a competency to be executed evaluation (*January 14, 2025*); prepared and filed a return to petition for writ of certiorari in a non-capital PCR Matter (*Marqual Griffin, January 10, 2025*); aided in drafting a response to motion to stay execution (*Marion Bowman, January 10, 2025*); completed and filed an initial brief of respondent in a non-capital murder direct appeal (*Alonza D. Marable, July 13, 2025*); submitted proposed order of dismissal in a non-capital PCR (*Clyde Davis, January 13, 2025*); reviewed a draft of the initial brief of respondent in another non-capital murder direct appeal and consulted with counsel on a evidentiary issue (*James Patterson, January 14, 2025*); prepared and filed status reports in capital federal habeas actions stayed for additional state proceedings (*Anthony Woods, January 15, 2025* and *James Roberston, January 21, 2025*); prepared and filed a return and motion to dismiss in a non-capital PCR matter (*Lorgio Morales, January 23, 2025*); completed and filed the final brief of respondent in a non-capital murder direct appeal (*Raymond Martinez, January 23, 2025*); prepared for and attended Webex status conference for pending new trial motion (*Charles Wakefield, January 23, 2025*); prepared argument points and aided in preparation for the PCR term in Greenville, South Carolina (*January 28-30, 2025*); prepared and filed a reply to response in opposition to motion for summary judgment in a capital federal habeas action (*Andre Torres, January 27, 2025*); drafted and filed in the Supreme Court of the United States a response opposing an application for stay of execution and assisted in the final drafting of a brief in opposition filed that same day (*Marion Bowman, January 27, 2025*) and, further, engaged in communication and notices beginning with the notice of execution issued on January 3, 2025, through the execution that was completed on January 31, 2025 (*Marion Bowman*). Additionally, counsel has been reviewing the transcript and issues in this case (*Diontrae Epps*);

along with assisting in a preparing a brief and joint appendix for filing in the Fourth Circuit Court of Appeals in a non-capital federal habeas action appeal (*K.C. Langford*); and is also currently preparing for presentation of oral argument in this Court in a non-capital PCR appeal (*Jason Allen Larson, scheduled for February 4, 2025*).

Due to counsel's involvement in the above listed matters, and other matters pending in state and federal court not completed and listed, and also considering counsel's administrative responsibilities as supervisor for murder appeals, federal habeas corpus actions, capital litigation, and Thirteenth Circuit PCR actions and appeals, counsel has been unable to timely complete the Initial Brief of Respondent and Designation of Matter.

WHEREFORE, counsel respectfully requests a 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.

Respectfully Submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General

Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

By: 

MELODY J. BROWN

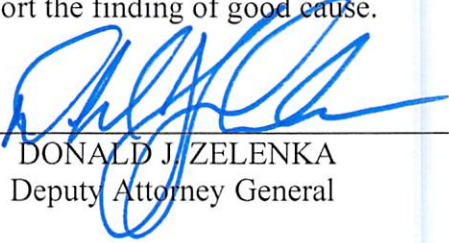
S.C. Bar No: 14244

ATTORNEYS FOR RESPONDENT

February 3, 2025

I support the finding of good cause.


By: \_\_\_\_\_



DONALD J. ZELENKA  
Deputy Attorney General

I support the fining of good cause.

By: \_\_\_\_\_



W. JEFFREY YOUNG  
Chief Deputy Attorney General

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**PROOF OF SERVICE**

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I, **Donna D'Alessio**, an employee of the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion for Extension Time, and Proof of Service has been forwarded to Appellant's counsel, Dayne C. Phillips, Esquire, via email today, February 3, 2025 to [dayne@pricebenowitz.com](mailto:dayne@pricebenowitz.com).

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

This 3<sup>rd</sup> day of February, 2025.

*s/ Donna D'Alessio*

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Legal Assistant to Melody J. Brown  
Senior Assistant Deputy Attorney General  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

## Donna D'Alessio

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**From:** Donna D'Alessio  
**Sent:** Monday, February 3, 2025 4:15 PM  
**To:** dayne@pricebenowitz.com  
**Subject:** Epps, Diontrae T. - Appellate Case No. 2023-001586 - Motion for Fourth Extension of time to file the Initial Brief of Respondent  
**Attachments:** Motion for fourth extension of time to file IBOR - Diontrae Epps.pdf

Dear Mr. Phillips:

Attached please find the Respondent's Motion for a Fourth Extension of time to file the Initial Brief regarding the above matter.

Thank you.

Donna D'Alessio,  
Legal Assistant  
Office of the Attorney General  
State of South Carolina  
Post Office Box 11549  
Columbia, South Carolina 29211-1549  
(803) 734-6305