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Feb 10 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Cherokee County
The Honorable R. Keith Kelly, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

DIONICIO NAVA ARARCA,

APPELLANT.

Appellate Case No. 2023-000180

**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. The Initial Brief is currently due to be filed today, February 10, 2025. Counsel for Appellant has graciously consented to extension requests up to and including February 28, 2025. In support of this motion, counsel would respectfully show the Court the following circumstances:

Respondent has been unable to complete this brief because the undersigned attorney has had a number of other state, and federal matters to attend to since January 10, 2025 including matters in this Court. Specifically:

1. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of King Chevais Conyers vs. Shane Jackson, C/A No. 6:24-cv-4569-RMG-KFM on **January 13, 2025**;

2. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment in the matter of Filiberto Campos vs. Warden Shane Jackson, C/A No. 8:24-03510-JD-WSB on **January 21, 2025**;

3. Counsel filed the Reply to Return to Petition for Writ of Certiorari in the matter of The State vs. Kierin Marcellus Dennis, Appellate Case No. 2024-002019, a Lexington County murder appeal matter now pending in the South Carolina Supreme Court on **January 27, 2025**;

4. Counsel filed the Final Brief of Respondent in the Jasper County direct appeal matter of The State vs. Jharaun Washington, Appellate Case No. 2023-000468 on **January 28, 2025**;

5. Counsel filed the Final Brief of Respondent in the Florence County direct appeal matter of The State vs. Mason Yarborough, Appellate Case No. 2023-000694 on **February 5, 2025**;

6. Counsel filed the Respondent's Reply to Response to Motion for Summary Judgment [ECF #39] in the matter of Sammy Lee Scarborough vs. Curtis Earley, C/A No. 1:24-3646-JFA-SVH on **January 31, 2025**;

7. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Fonnelze T. Delane vs. Shane Jackson, Warden of Lee Correctional Institution, C/A No. 5:24-cv-5907-SAL-KDW on **February 6, 2025**;

8. Counsel is currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Marquis Spencer McDonald vs. Kenneth Sharp, Warden, C/A No. 2:24-cv-6196-MGL-MGB. Same is due to be filed on March 7, 2025 and no further extensions will be permitted;

9. Counsel is also preparing the Return to Petition for Writ of Certiorari in the matter of Stephen C. Stanko vs. Bryan P. Stirling, Director, South Carolina Department of Corrections, et al., Case No. 24-6420, an Horry County capital matter now pending before the United States Supreme Court. Same is due to be filed on or before February 28, 2025;

10. Respondent has requested a copy of the 9-11 telephone call that is the subject of the appeal, but has not received the same as of this date; and

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

WHEREFORE, for circumstances shown, 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 March 12, 2025.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
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By: s/J. Anthony Mabry
J. ANTHONY MABRY
ATTORNEYS FOR RESPONDENT

February 10, 2025.

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PROOF OF SERVICE

I, **Donna D'Alessio**, an employee of the Respondent and legal assistant to J. Anthony Mabry, 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, Robert M. Dudek, Esq., via email today, February 10, 2025 to RDudek@sccid.sc.gov and to his assistant at kwarren@sccid.sc.gov.

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

This 10th day of February, 2025.

s/ Donna D'Alessio
Donna D'Alessio, Legal Assistant to
J. Anthony Mabry
Senior Assistant Attorney General
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