

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
The Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

THOMAS ERIC MCDOWELL,

APPELLANT.

Appellate Case No. 2024-000226

**MOTION FOR SECOND EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a SECOND 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 February 28, 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 tomorrow, Wednesday, February 12, 2025. The undersigned attorney has had a number of state, and federal matters to attend to since January 10, 2025. Specifically:

1. Counsel prepared and filed the Initial Brief of Respondent in the matter of The State vs. Jamira U. Davis, Appellate Case No. 2023-001215, a Richland County murder appeal matter now pending in the South Carolina Court of Appeals on January 13, 2025;
2. Counsel filed the Reply to Response in Opposition to Motion for Summary Judgment [ECF #85], also in the matter of Millanyo Woody, #227810 vs.

Jonathan Nance, Warden of Tyger River Correctional Institution, C/A No. 2:19-00785-SAL on January 21, 2025;

3. Counsel filed the Final Brief of Respondent in the matter of The State vs. Marcus D. Batson, Appellate Case No. 2023-001593, a Spartanburg County direct appeal matter now pending in the South Carolina Court of Appeals on January 23, 2025;
4. Counsel filed the Respondent's Response to Petitioner's Motion for DNA Testing to be Submitted to the Court [ECF #49] in the matter of Richard Allen Woodbury vs. State of South Carolina, C/A No. 0:24-04530-MGL-PJG on January 27, 2025;
5. Counsel filed the Respondent's Response to Petitioner's Motion to Admit New Discovery [ECF #51], in the matter of Richard Allen Woodbury vs. State of South Carolina, C/A No. 0:24-04530-MGL-PJG on January 27, 2025;
6. Counsel also filed the Respondent's Response to Petitioner's Motion for Second Extension or Denial of Summary Judgment [ECF #52], also in the matter of Richard Allen Woodbury vs. State of South Carolina, C/A No. 0:24-04530-MGL-PJG on January 27, 2025;
7. Counsel filed the Final Brief of Respondent in the matter of The State vs. Jasmine Liz Marie Robinson, Appellate Case No. 2023-000830, a Greenville County direct appeal matter now pending in the South Carolina Court of Appeals on January 30, 2025; and
8. Counsel prepared and filed the Initial Brief of Respondent and Designation of Matter in the matter of The State vs. Jason B. Bell, Appellate Case No. 2023-001326, a Dorchester County murder appeal matter now pending in the South Carolina Court of Appeals on February 3, 2025;
9. Counsel filed the Respondent's Reply to Response in Opposition to Motion to Dismiss [ECF #40] in the matter of Joseph Wadell Dunbar, Jr. v. Donnie Stonebreaker, C/A No. 9:23-05323-RMG-MHC on February 10, 2025; and
10. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Trevin Milledge vs. Warden Laverne Cohen, C/A No. 8:24-05201-MGL-WSB on February 10, 2025;

WHEREFORE, for the following extraordinary circumstances, counsel respectfully requests a SECOND 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 14, 2025.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General
S.C. Bar No. 14244

R. BRANDON LARRABEE
Assistant Attorney General
S.C. Bar No. 104865

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-6305

By: s/R. Brandon Larrabee
R. BRANDON LARRABEE
ATTORNEYS FOR RESPONDENT

February 11, 2025.

RECEIVED

Feb 11 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
The Honorable Debra R. McCaslin, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

THOMAS ERIC MCDOWELL,

APPELLANT.

Appellate Case No. 2024-000226

PROOF OF SERVICE

I, **Donna D'Alessio**, an employee of the Respondent and legal assistant to R. Brandon Larrabee, of counsel for the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Second Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Jordan Wayburn, Esq., via email today, February 11, 2025 to jwayburn@sccid.sc.gov and to his assistant at cstock@sccid.sc.gov.

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

This 11th day of February, 2025.

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