

RECEIVED

Mar 05 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

THE STATE,

RESPONDENT,

v.

ANTONIO VASHON BARNES, JR.,

APPELLANT.

Appellate Case No. 2023-001390

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

The undersigned counsel would respectfully request a brief FIFTH extension of three (3) business days 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 March 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 today, March 5, 2025. The undersigned attorney has had a number of state, and federal matters to attend to since February 3, 2025, specifically:

1. Counsel prepared and filed 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 on February 3, 2025;

2. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment in the matter of Kevin Charles Casey vs. Warden of Tyger River, C/A No. 9:24-03653-JFA-MHC on February 4, 2025;

3. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Richard Douglas Waldrup vs. Warden Wilfredo Martell, C/A No. 9:24-cv-3985-SAL-MHC on February 10, 2025;

4. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment in the matter of Jonathan Michael Brown vs. Warden of Perry Correctional Institution, C/A No. 8:24-05077-JFA-WSB on February 18, 2025;

5. Counsel is currently preparing the Initial Brief of Respondent in this matter and has thus far drafted argument for four out of the six presented issues by Appellant. However, due to the considerable length of the record and the numerous issues, counsel is uncertain that he can complete the brief before midnight tonight, and does not wish to default on his deadline;

6. The scheduling of executions in on-going and previous death penalty matters has contributed to Respondent's inability to complete the Initial Brief of Respondent in this matter. Counsel for Respondent is also uncertain if his assistance will be needed in drafting responses to late-stage litigation matters for the upcoming March 7, 2025 execution in the matter of Brad Keith Sigmon vs. Bryan P. Stirling, et al., Appellate Case No. 2025-000309; and

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

WHEREFORE, for the following extraordinary circumstances, counsel respectfully requests a brief FIFTH extension of three business days 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 10, 2025.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

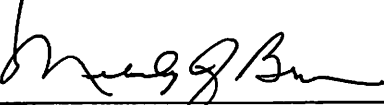
W. JOSEPH MAYE
Assistant Attorney General
S.C. Bar No. 100851

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

By: s/W. Joseph Maye
W. JOSEPH MAYE
ATTORNEYS FOR RESPONDENT

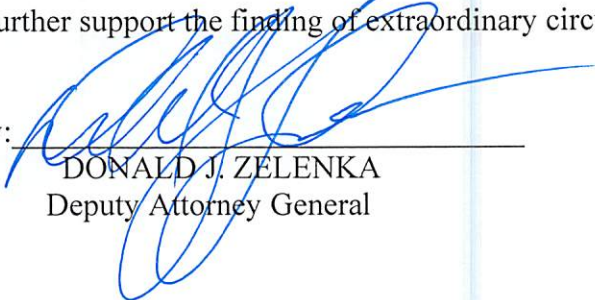
March 5, 2025.

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

RECEIVED

Mar 05 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

THE STATE,

RESPONDENT,

v.

ANTONIO VASHON BARNES, JR.,

APPELLANT.

Appellate Case No. 2023-001390

PROOF OF SERVICE

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 fifth 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, March 5, 2025 to lcaudy@sccid.sc.gov and to her assistant at smcinnis@sccid.sc.gov.

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

This 5th day of March, 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