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Mar 11 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 FOURTH EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

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. The Initial Brief is currently due to be filed tomorrow, Wednesday, March 12, 2025. Counsel for Appellant has graciously consented to extension requests up to and including March 31, 2025. In support of this motion, counsel would respectfully show the Court the following extraordinary 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 February 6, 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 Fonnelze T. Delane vs. Shane Jackson, Warden of Lee Correctional Institution, C/A No. 5:24-cv-5907-SAL-KDW on **February 6, 2025**;

2. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #47] in the matter of Michael J. Young, Jr., a/k/a Michael James Young, Jr., C/A No. 9:24-00236-JFA on **February 18, 2025**;

3. Counsel filed the Respondent's Response to Motion for Judicial Notice of Determination of Strikes, etc. [ECF #87] in the matter of Alonzo C. Jeter vs. Warden Wilfredo Martell, C/A No. 9:23-03253-MGL on **February 20, 2025**;

4. Respondent assisted with the disposition of several PCR cases in Greenville Common Pleas on Wednesday, **February 26, 2025** before Judge Vernon Dunbar;

5. Counsel filed Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #18] in the matter of King Chevais Conyers vs. Shane Jackson, C/A No. 6:24-cv-4569-RMG-KFM on **March 3, 2025**;

6. Respondent is assisting in the drafting and filing the Brief in Opposition in the United States Supreme Court in Stanko v. Warden (Federal Habeas Corpus/ Capital Case) due **March 28 2025**;

7. Counsel prepared and filed 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 (Murder/Federal Habeas Corpus) filed on **Friday, March 7, 2025**;

8. Counsel prepared **over the last several days** for and made the oral argument **today, Tuesday, March 11, 2025** in the matter of The State vs. James E. Daniels, Jr., Appellate Case No.

2023-001170 before the South Carolina Supreme Court on certiorari from the South Carolina Court of Appeals;

9. Counsel is currently working on the Return and Memorandum of Law in Rajshun Foster v. Warden (Federal Habeas Corpus/Murder);

10. Counsel is currently preparing the Initial Brief of Respondent in this matter; and

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

Counsel recently received from the Solicitor's Officer the Exhibits previously requested to complete the initial brief and has reviewed the same to incorporate into the initial brief.

WHEREFORE, for extraordinary circumstances shown, 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 April 11, 2025.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

J. ANTHONY MABRY
Senior Assistant Attorney General
S.C. Bar No. 11973

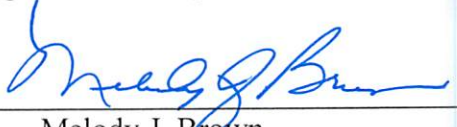
Office of the Attorney General
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By: s/J. Anthony Mabry
J. ANTHONY MABRY

March 11, 2025.

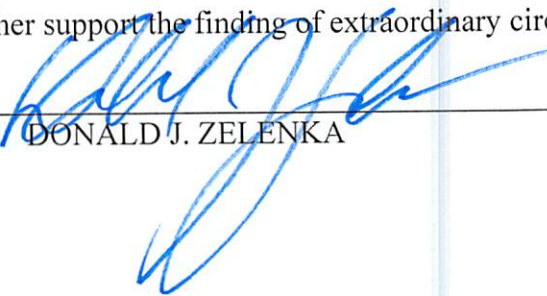
ATTORNEYS FOR RESPONDENT

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

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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 fourth 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, March 11, 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 11th day of March, 2025.

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