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Mar 14 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

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THE STATE,

RESPONDENT,

v.

THOMAS ERIC MCDOWELL,

APPELLANT.

Appellate Case No. 2024-000226

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

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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. 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, Friday, March 14, 2025. The undersigned attorney has had a number of state, and federal matters to attend to since February 10, 2025. Specifically:

1. 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;
2. 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, also on February 10, 2025;

3. Counsel assisted in preparing the Response in Opposition to Motion for Stay of Execution before the South Carolina Supreme Court in Brad Keith Sigmon v. Bryan P. Stirling, Director of the South Carolina Department of Corrections, and the South Carolina Department of Corrections, Case No. 2025-000187;
4. Counsel assisted in preparing the Return to Petition for a Writ of Habeas Corpus before the South Carolina Supreme Court in Brad Keith Sigmon v. Bryan P. Stirling, Director of the South Carolina Department of Corrections, and the South Carolina Department of Corrections, Case No. 2025-000309;
5. Counsel filed the Reply to Petitioner's Response to the Motion for Summary Judgment, and for Holding Additional Motion in Abeyance [ECF #70] in the matter of Richard Allen Woodbury vs. Warden, Kershaw Correctional Institution, C/A No. 0:24-04530-MGL-PJG on February 28, 2025;
6. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Roemain Brunson, #351887 vs. Warden, Evans Correctional Institution, C/A No. 2:24-05441-JDA-MGB on March 10, 2025;
7. Counsel prepared for and presented oral argument on behalf of the State before the South Carolina Court of Appeals in the matter of The State vs. Barry Wayne Jones, Appellate Case No. 2022-000046, an Edgefield County direct appeal matter on March 11, 2025; and
8. Counsel is currently preparing a Reply to Petitioner's Third Response in Opposition to the Motion for Summary Judgment in the matter of Richard Allen Woodbury vs. Warden, Kershaw Correctional Institution, C/A No. 0:24-04530-MGL-PJG, currently due on March 17, 2025.

WHEREFORE, for the following extraordinary circumstances, 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 on April 14, 2025.

Respectfully Submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General

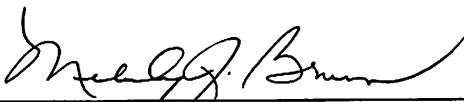
R. BRANDON LARRABEE  
Assistant Attorney General  
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By: s/R. Brandon Larrabee  
R. BRANDON LARRABEE  
ATTORNEYS FOR RESPONDENT

March 14, 2025.

I support the finding of good cause.

By:   
MELODY J. BROWN  
Senior Assistant Deputy Attorney General

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**PROOF OF SERVICE**

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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 Third 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, March 14, 2025 to [jwayburn@sccid.sc.gov](mailto:jwayburn@sccid.sc.gov) and to his assistant at [cstock@sccid.sc.gov](mailto:cstock@sccid.sc.gov).

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

This 14<sup>th</sup> day of March, 2025.

*s/ Donna D'Alessio*  
\_\_\_\_\_  
Donna D'Alessio, Legal Assistant to  
R. Brandon Larrabee,  
Assistant Attorney General  
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