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Mar 19 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Darlington County  
The Honorable R. Kirk Griffin, Circuit Court Judge

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THE STATE,

RESPONDENT,

v.

DARIUS GRANT DICKEY,

APPELLANT.

Appellate Case No. 2024-000145

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

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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 March 31, 2025. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

Respondent's Initial Brief of Respondent and Designation of Matter is due to be filed tomorrow, Thursday, March 20, 2025. The undersigned attorney has had a number of state, and federal matters to attend to since February 14, 2025. Specifically:

1. 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;

2. Counsel prepared and filed the Initial Brief of Respondent in the matter of The State vs. Antonio V. Barnes, Appellate Case No. 2023-001390, a Richland County direct appeal matter on March 10, 2025;

3. 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;

4. Counsel is currently preparing the post-hearing brief in the matter of Suzanna Brown Simpson vs. State of South Carolina, Case No. 2020-CP-39-617, a Pickens county post-conviction relief matter;

5. Counsel is also preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Robert L. O'Shields vs. Warden of Tyger River, C/A No. 5:24-6272-BHH-KDW; and

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

WHEREFORE, for good cause shown, 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 April 21, 2025.

Respectfully Submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
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By: *s/W. Joseph Maye*  
W. JOSEPH MAYE  
ATTORNEYS FOR RESPONDENT

March 19, 2025.

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**PROOF OF SERVICE**

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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 Second Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Joanna K. Delany, Esq., via email today, March 19, 2025 to [jdelany@sccid.sc.gov](mailto:jdelany@sccid.sc.gov) and to her assistant at [smcinnis@sccid.sc.gov](mailto:smcinnis@sccid.sc.gov).

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

This 19<sup>th</sup> day of March, 2025.

*s/ Donna D'Alessio*

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Donna D'Alessio, Legal Assistant to  
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