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Apr 01 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
The Honorable Deadra L. Jefferson, Circuit Court Judge

Appellate Case No. 2023-000994

THE STATE,

Respondent,

vs.

ALGERNARD DEVINCENT YOUNG,

Appellant.

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

The undersigned counsel would respectfully request a third thirty (30) day extension in which to file the Initial Brief of Respondent in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following good cause:

Respondent's Initial Brief is due tomorrow, Wednesday, April 2, 2025, upon this Court's grant of Respondent's second request for an extension filed on March 3, 2025. Counsel for Appellant has graciously consented to extensions requests through today, April 30, 2025.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since February 28, 2025 which have prevented the timely filing of this Initial Brief. Specifically,

1. Counsel filed the 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**;

2. 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) on **Friday, March 7, 2025**;

3. Counsel prepared **over several days** for and made the oral argument on **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. The South Carolina Supreme Court subsequently denied certiorari as improvidently granted affirming this Court's decision in the above captioned case;

4. Counsel filed the Reply to Response to Motion for Summary Judgment [ECF #21] in the matter of Fonnelze T. Delane vs. Shane Jackson, Warden Lee Correctional Institution, C/A No. 5:24-5907-SAL-KDW on **March 20, 2025**;

5. Respondent assisted in the drafting and filing of the Return to Petition for Writ of State Habeas Corpus, Appellate Case No. 2025-000524, and Response in Opposition to Motion for Stay of Execution, Appellate Case No. 2025-000491, in the capital matter of Mikal D. Mahdi vs. Bryan P. Stirling, Commissioner, South Carolina Department of Corrections, now pending in the South Carolina Supreme Court on **March 26, 2025**;

6. Counsel was working on the Return and Memorandum of Law in Rajshun Foster v. Warden (Federal Habeas Corpus/Murder) which is now complete and about to be filed;

7. Respondent assisted in the drafting and filing of the Brief in Opposition in the United States Supreme Court in Stanko v. Warden (Federal Habeas Corpus/ Capital Case). Same was filed yesterday, **March 31 2025**;

8. Counsel is also currently preparing the Initial Brief of Respondent in the matter of The State vs. Dionicio Nava Abarca, Appellate Case No. 2023000180; and

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

WHEREFORE, premises considered, and for good cause, counsel hereby respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter.

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

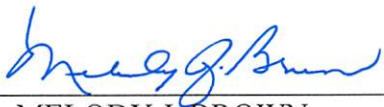
J. ANTHONY MABRY
Senior Assistant Attorney General
State ID No. 11973

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: *J. Anthony Mabry*
J. ANTHONY MABRY
ATTORNEYS FOR RESPONDENT

April 1, 2025.

I support the finding of good cause.

By: 
MELODY J. BROWN
Senior Assistant Deputy Attorney General

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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 Third Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Lara M. Caudy, Esq., via email today, April 1, 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 1st day of April, 2025.

s/ Donna D'Alessio

Donna D'Alessio, Legal Assistant to
J. Anthony Mabry,
Senior Assistant Attorney General
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-6305