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Apr 11 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

THE STATE,

RESPONDENT,

v.

THOMAS ERIC MCDOWELL,

APPELLANT.

Appellate Case No. 2024-000226

**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. Counsel for Appellant has graciously consented to extension requests through April 30, 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 Monday, April 14, 2025. The undersigned attorney has had a number of state, and federal matters to attend to since March 10, 2025. Specifically:

1. 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;
2. 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;

3. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment in the matter of Richard Allen Woodbury vs. State of South Carolina, C/A No. 0:24-04530-MGL-PJG on March 17, 2025;
4. Counsel also 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;
5. Counsel filed the Respondent's Response to Motion for Default Judgment [ECF #36] and Reply to Response in Opposition to Motion for Extension of Time [ECF #35] in the matter of Theodore J. Bolick, a/k/a Theodore Jerry Bolick vs. Donnie Stonebreaker, C/A No. 5:24-7662-MGL-KDW on March 31, 2025;
6. Counsel is preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Jamal Hakeem vs. Warden of Turbeville Correctional Institution, C/A No. 1:24-cv-6658-CMC-SVH. Same is to be filed today, Friday, April 11, 2025; and
7. Counsel for Respondent is currently preparing the Initial Brief in the matter of The State vs. Nazareth N. Sanchez-Peralta, Appellate Case No. 2023-001588. Due to the records being in excess of 2,500 pages, counsel is currently reviewing same.

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

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

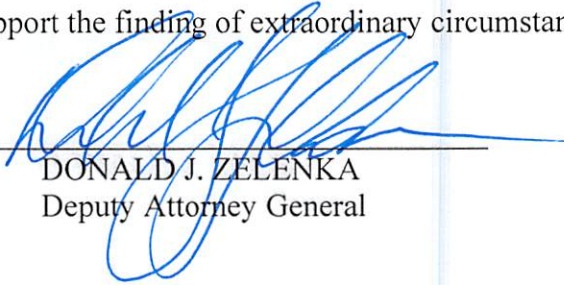
R. BRANDON LARRABEE
Assistant Attorney General
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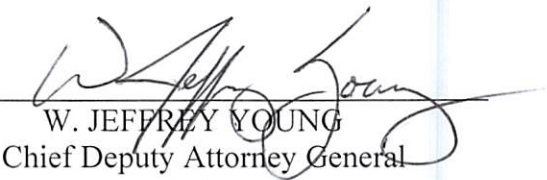
By: s/R. Brandon Larrabee
R. BRANDON LARRABEE
ATTORNEYS FOR RESPONDENT

April 11, 2025.

I support the finding of extraordinary circumstances.

By: 
DONALD J. ZELENKA
Deputy Attorney General

I further support the finding of extraordinary circumstances.

By: 
W. JEFFREY YOUNG
Chief Deputy Attorney General

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PROOF OF SERVICE

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 Fourth 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 and to his assistant at cstock@sccid.sc.gov.

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

This 11th day of April, 2025.

s/ Donna D'Alessio

Donna D'Alessio, Legal Assistant to
R. Brandon Larrabee,
Assistant Attorney General
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