

RECEIVED

May 02 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 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 in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

Respondent's Initial Brief is due tomorrow, Friday, May 2, 2025, upon this Court's grant of Respondent's third request for an extension filed on April 3, 2025. Counsel for Appellant has graciously consented to extensions requests through May 31, 2025.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since April 2, 2025, which have prevented the timely filing of this Initial Brief in this matter. Specifically,

1. Counsel prepared and filed the Return and Memorandum of Law in Rajshun Foster v. Warden, C/A No. 5:24-07113-RMG-KDW (Federal Habeas Corpus/Murder) on **April 2, 2025**;
2. 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 on **March 31, 2025**;
3. Counsel assisted in the drafting and reviewing 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 on **April 7, 2025**;
4. Counsel prepared for and appeared for oral argument in the South Carolina Court of Appeals in the matter of The State vs. Quayshaun X. Clark, Appellate Case No. 2022-000962 on **Thursday, April 10, 2025**;
5. Counsel filed the Initial Brief of Respondent in the matter of The State vs. Dionicio Nava Abarca, Appellate Case No. 2023000180 on **Friday, April 11, 2025**;
6. Counsel prepared the Reply to Response to Motion for Summary Judgment [ECF #24] in the matter of Marquis Spencer McDonald vs. Kenneth Sharp, Warden, C/A No. 2:24-cv-6196-MGL-MGB, also on **April 11, 2025**;
7. Counsel filed the Respondent's Response to Motion for Limited Sentencing Exposure [ECF #93], and Response to Motion to Amend/Correct [ECF #99] in the matter of Alonzo C. Jeter vs. Warden Wilfredo Martell, C/A No. 9:23-03253-MGL on **April 17, 2025**;
8. Counsel filed the Respondent's Response to Petitioner's Objections to Report and Recommendation [ECF #43] in the matter of Breon J. Mayers vs. Shane Jackson, Warden of Lee Correctional Institution, C/A No. 0:24-cv-1240-DCN-PJG on **April 18, 2025**;

9. Counsel also filed the Response to Objections to Report and Recommendation [ECF #47] in the matter of Sammy Lee Scarborough vs. Curtis Earley, C/A No. 1:24-cv-3646-JFA-SVH on **April 21, 2025**;

10. Counsel is currently working on the Brief of Petitioner in the matter of The State vs. Kierin Marcellus Dennis, Appellate Case No. 2024-002019, a Lexington County direct appeal matter now pending before the South Carolina Supreme Court after grant of certiorari;

11. Counsel is also currently preparing the Initial Brief of Respondent in the matter of The State vs. Kenneth Glenn Lewis, Appellate Case No. 2024-000488, a Spartanburg County direct appeal matter [murder] now pending in the South Carolina Court of Appeals;

12. Respondent completed today the Return and Memorandum of Law in Matthew Blackwell v. Warden (Federal Habeas Corpus)[Murder, Attempted Murder (2 counts), & Trafficking in Meth, **to be filed tomorrow, May 2, 2025**;

13. Respondent prepared for the oral argument in State v. Anijah Yarnell which was scheduled for Tuesday, April 15, 2025, but the oral argument was cancelled the day before by the Court of Appeals;

14. Counsel for Respondent is currently preparing the Initial Brief in this matter and is requesting 2 exhibits from the Solicitor's Office to complete the initial brief of Respondent, which are 2 911 calls that are part of the subject of the issue raised on appeal; and

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

Respondent is requesting this day from the Solicitor's Office 2 911 calls that are part of the subject of the appeal that are necessary to review to complete the Initial Brief of Respondent in this matter.

WHEREFORE, for extraordinary circumstances shown, 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

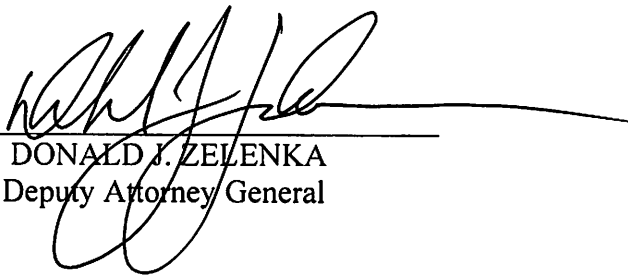
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

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

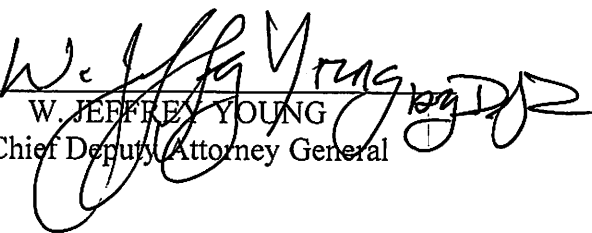
May 1, 2025.

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

RECEIVED

May 02 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.

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, Lara M. Caudy, Esq., via email today, May 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 May, 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