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Jul 10 2025

SC Court of Appeals

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Kershaw County
The Honorable Robert E. Hood, Circuit Court Judge

Appellate Case No. 2024-001951

THE STATE,

Respondent,

vs.

STACEY M. CATOE,

Appellant.

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

The undersigned counsel would respectfully request a second 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 circumstances:

Respondent's Initial Brief is due to be filed tomorrow, Friday, July 11, 2025. Counsel for Appellant has graciously consented to this extension request.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since June 10, 2025 that kept him from completing the Initial Brief of Respondent in this matter. Specifically,

1. Counsel filed the Reply to Response in Opposition to Motion for Summary Judgment in the matter of Matthew Tyler Blackwell vs. Warden of Lee Correctional Institution, C/A No. 1:24-7307-RMG-SVH on **June 12, 2025**;

2. Counsel filed a Motion to Dismiss in the matter of Stephen C. Stanko vs. Joel Anderson and Lydell Chestnut, C/A No. 1:24-04109-RMG-SVH on **June 17, 2025**;

3. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Emmanuel M. Rodriguez, #361467 vs. Warden Curtis Early, C/A No. 5:25-1031-JFA-KDW on **June 18, 2025**;

4. Counsel filed 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 now pending in the South Carolina Court of Appeals on **June 30, 2025**;

5. Counsel is currently preparing for the capital post-conviction relief hearing in the Lexington county matter of Norman Starnes vs. State of South Carolina, C/A, 2011-CP-32-830. Same is currently scheduled for Monday, July 28, 2025;

6. Counsel is currently preparing the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #47] in the matter of Jerry Simpson vs. Warden of Trenton Correctional Institution, C/A No. 5:24-cv-6946-JFA-KDW. Same is due to be filed on Monday July 14, 2025; and

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

However, due to counsel's involvement in these and other matters pending in state and federal court, counsel is unable to timely complete the Initial Brief of Respondent in this proceeding. Thus, counsel is requesting an extension of time in which to file the Initial Brief in

this matter. This request is made in good faith, for extraordinary circumstances shown, and not for the purposes of delay.

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

Respectfully submitted,

ALAN WILSON
Attorney General

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

July 10, 2025.

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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 pursuant to Rule 262(c)(3), SCACR and the Supreme Court Order of April 24, 2024, the second Extension of Time to File the Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Jack Swerling, Esq., via email today, July 10, 2025 to jackswerling@gmail.com.

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

This 10th day of July, 2025.

s/ Donna D'Alessio

Donna D'Alessio
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