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Jul 11 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Williamsburg County
The Honorable R. Ferrell Cothran, Circuit Court Judge

THE STATE,

Respondent,

v.

MARQUISE D. FRANKLIN,

Appellant.

Appellate Case No. 2024-001277

**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. Opposing counsel has graciously consented to extension requests through July 31, 2025. In support of this motion, counsel would respectfully show the Court the following circumstances:

Respondent's Initial Brief is due Monday, July 14, 2025 as per this Court's Order dated June 13, 2025 granting Respondent's second extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since June 11, 2025. 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, counsel is unable to timely complete the Initial Brief of Respondent and Designation of Matter in this matter.

WHEREFORE, counsel respectfully requests a 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.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General



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

July 11, 2025.

I support the finding of good cause.

By: 
For 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, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion for a Second Extension of Time to File Initial Brief of Respondent and Designation of Matter, has been forwarded via email to Appellant's counsel, Joanna K. Delany, Esq. at jdelany@sccid.sc.gov, and to her assistant at smcinnis@sccid.sc.gov today, July 11, 2025.

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

This 11th day of July, 2025.

s/J. Anthony Mabry
J. ANTHONY MABRY
Senior Assistant Attorney General