

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Aug 08 2025

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

The undersigned counsel would respectfully request, for good cause shown, 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 circumstances:

Respondent's Initial Brief is due to be filed on Monday, August 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 July 7, 2025 that kept him from completing the Initial Brief of Respondent in this matter. Specifically,

1. Counsel filed the Reply Brief of Petitioner in the matter of The State vs. Kierin M. Dennis, Appellate Case No. 2024-002019. A Lexington County direct appeal matter now pending in the South Carolina Supreme Court on **July 7, 2025**;

2. Counsel filed 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 on **July 14, 2025**;

3. Counsel also filed the Reply to Objections to Report and Recommendation [ECF #26] in the matter of Fonnelze T. Delane vs. Shane Jackson, Warden Lee Correctional Institution, C/A No. 5:24-cv-5907-SAL-KDW on **July 21, 2025**;

4. Counsel filed the Final Brief of Respondent in the matter of The State vs. Algernard D. Young, Appellate Case No. 2023-000994, a Charleston County direct appeal now pending in the South Carolina Court of Appeals on **July 22, 2025**;

5. Counsel filed the Respondent's Reply to Response to Motion for Summary Judgment [ECF #26] in the matter of Emmanuel M. Rodriguez, #361467 a/k/a Emmanuel Marguez Rodriguez vs. Warden Curtis Early, C/A No. 5:25-1031-JFA-KDW on **August 4, 2025**;

6. Counsel filed a Motion to Supplement the Record Based on Change of Circumstances in the matter of The State vs. Anthony Nicholas Argoe, Appellate Case No. 2023-000223, a Dorchester County direct appeal matter now pending in the South Carolina Court of Appeals on **August 4, 2025**;

7. Counsel also prepared for 3 weeks and attended the capital post-conviction relief merits hearing/trial in the Lexington County matter of Norman Starnes vs. State of South Carolina, C/A, 2011-CP-32-830 from Monday, **July 28, 2025** through Wednesday, **July 30, 2025** ;

8. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Rashawn V. Carter vs. John Palmer, et al., C/A No. 5:25-cv-1287-SAL-KDW. Same is scheduled to be filed on Monday or Tuesday of next week;

9. Counsel is currently working on preparing the Initial Brief of Respondent in the matter of The State vs. Marquise D. Franklin, Appellate Case No. 2024-001277, a Williamsburg County direct appeal matter now pending in the South Carolina Court of Appeals. Same is due to Wednesday, August 13, 2025;

10. Counsel is also currently preparing the Initial Brief of Respondent in the matter of The State vs. Dean Troy Stevens, Appellate Case No. 2024-000648, a Bamberg County direct appeal matter now pending in the South Carolina Court of Appeals. Same is due to be filed on August 27, 2025, no further extensions; and

11. 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 good cause shown, and not for the purposes of delay.

WHEREFORE, premises considered, for good cause shown, counsel hereby respectfully requests a third 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

DONALD J. ZELENKA

Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

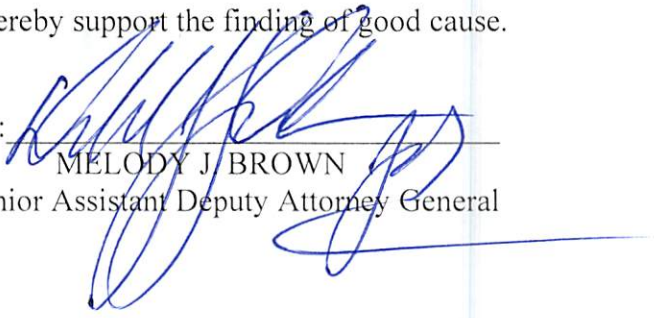
J. ANTHONY MABRY
Assistant Attorney General
State ID No. 11973

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

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

August 8, 2025.

I hereby 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 pursuant to Rule 262(c)(3), SCACR and the Supreme Court Order of April 24, 2024, the third 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, August 8, 2025 to jacklaw@aol.com.

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

This 8th day of August, 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
(803) 734-6305