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Aug 12 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 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. Opposing counsel has graciously consented to extension requests through August 31, 2025. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

Respondent's Initial Brief is due tomorrow, Wednesday, August 13, 2025 as per this Court's Order dated July 14, 2025 granting Respondent's third extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since July 11, 2025. Specifically,

1. 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**;

2. 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**;

3. 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**;

4. 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**;

5. 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**;

6. 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** ;

7. 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 today, Tuesday, August 12, 2025;

8. Counsel filed a Reply to Response in Opposition to 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 11, 2025**;

9. Counsel is 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;

10. Counsel is also currently working on preparing the Initial Brief of Respondent in this matter; 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, 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

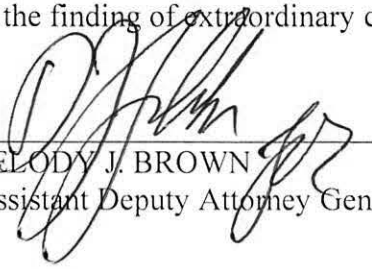
J. ANTHONY MABRY
Senior Assistant Attorney General
State ID No. 11973

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

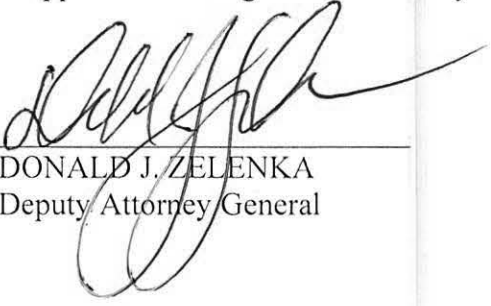
By: s/ J. Anthony Mabry
J. ANTHONY MABRY
ATTORNEYS FOR RESPONDENT

July 11, 2025.

I support the finding of extraordinary circumstances..

By: 
MELODY J. BROWN
Senior Assistant Deputy Attorney General

I further support the finding of extraordinary circumstances.

By: 
DONALD J. ZELENKA
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 pursuant to Rule 262(c)(3), SCACR and the Supreme Court Order of April 24, 2024, the Motion for a Fourth 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, August 12, 2025.

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

This 12th day of August, 2025.

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