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Aug 21 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Laurens County
The Honorable Donald B. Hocker, Circuit Court Judge

THE STATE,

Respondent,

v.

TIMOTHY PAUL SPENCER,

Appellant.

Appellate Case No. 2024-000685

**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 and Designation of Matter in the above-referenced case. Counsel for Appellant 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 and Designation of Matter is due to be filed tomorrow, Friday, August 22, 2025. The undersigned attorney has had a number of state, and federal matters to attend to since July 22, 2025. Specifically:

1. Counsel filed the Respondent's Response to Motion for Sanctions [ECF #67] in the matter of Theodore J. Bolick, a/k/a Theodore Jerry Bolick vs. Donnie Stonebreaker, C/A No. 5:24-7662-MGL-KDW on August 4, 2025;
2. Counsel filed the Respondent's Response to Motion for Temporary Restraining Order [ECF #34] in the matter of Ben Robert Stewart vs. Warden of Tyger River Correctional Institution, C/A No. 1:25-2909-JFA-SVH on August 6, 2025;

3. Counsel filed the Initial Brief of Respondent in the matter of The State v. Stephen Q. Polite, Appellate Case No. 2024-000692, a Beaufort County direct appeal matter now pending in the South Carolina Court of Appeals on August 7, 2025;
4. Counsel filed the Respondent's Response to Motion to Appoint Counsel [ECF #35] in the matter of Ben Robert Stewart vs. Warden of Tyger River Correctional Institution, C/A No. 1:25-2909-JFA-SVH on August 11, 2025;
5. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Anthony M. Hudson, #381313 vs. Warden Tonya James, C/A No. 4:25-02575-JFA-TER on August 11, 2025;
6. Counsel filed Respondent's Brief in the matter of The State vs. John Joseph Erb, Appellate Case No. 2024-001518, a Charleston County matter now pending before the South Carolina Supreme Court on August 11, 2025;
7. Counsel filed the Respondent's Response to Motion to Amend [ECF #36] in the matter of Ben Robert Stewart vs. Warden of Tyger River Correctional Institution, C/A No. 1:25-2909-JFA-SVH on August 18, 2025;
8. Counsel is currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Ben Robert Stewart vs. Warden of Tyger River Correctional Institution, C/A No. 1:25-2909-JFA-SVH; and
9. Counsel has been involved in working **on other matters in state and federal court.**

WHEREFORE, for the following circumstances, counsel respectfully requests a FOURTH 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. This extension will make Respondent's Initial Brief due on September 22, 2025.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General


R. BRANDON LARRABEE
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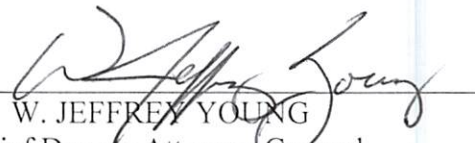
By: s/R. Brandon Larrabee
R. BRANDON LARRABEE
ATTORNEYS FOR RESPONDENT

August 21, 2025.

I support the finding of extraordinary circumstances.

By:  MELODY J. BROWN (MP)
Senior Assistant Deputy Attorney General

I further support the finding of extraordinary circumstances.

By:  W. JEFFREY YOUNG
Chief Deputy Attorney General

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PROOF OF SERVICE

I, **R. Brandon Larrabee**, 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 Fourth Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, David Alexander, Esq., via email today, August 21, 2025 to dalexander@sccid.sc.gov and to his assistant at gtimberlake@sccid.sc.gov.

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

This 21st day of August, 2025.

s/ R. Brandon Larrabee _____

R. Brandon Larrabee,
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