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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lee County
State Grand Jury
The Honorable R. Ferrell Cothran, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

STEPHEN J. GREEN,

APPELLANT.

Appellate Case No. 2024-001684

**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 and Designation of Matter in the above-referenced case. Counsel for Appellant has graciously consented to extension requests through September 30, 2025. In support of this motion, counsel would respectfully show the Court the following circumstances:

Respondent's Initial Brief and Designation of Matter is due to be filed today, September 8, 2025. The undersigned attorney has had a number of state, and federal matters to attend to since August 8, 2025. Specifically:

1. 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;

2. 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;
3. 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;
4. 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;
5. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #31] in the matter of Anthony M. Hudson, #381313 vs. Warden Tonya James, C/A No. 4:25-02575-JFA-TER on August 29, 2025
6. Counsel filed a Motion for Additional Interview in the matter of John Richard Wood, #6005 vs. State of South Carolina, Case No. 2022-CP-23-0219 on September 5, 2025;
7. 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
8. Counsel has been involved in working **on other matters in state and federal court.**

WHEREFORE, for the following circumstances, counsel respectfully requests a THIRD 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 October 8, 2025.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

R. BRANDON LARRABEE


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

September 8, 2025.

I 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 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 Third Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Kathrine H. Hudgins, Esq., via email today, September 8, 2025 to khudgins@sccid.sc.gov and to her assistant at cstock@sccid.sc.gov.

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

This 8th day of September, 2025.

s/ Donna D'Alessio

Donna D'Alessio, Legal Assistant to
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