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Oct 08 2025

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 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 October 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 today, Wednesday, October 8, 2025. The undersigned attorney has had a number of state, and federal matters to attend to since September 5, 2025. Specifically:

1. Counsel filed a Motion for Additional Interview in the Greenville County capital matter of John Richard Wood, #6005 vs. State of South Carolina, Case No. 2022-CP-23-0219 on September 5, 2025;
2. Counsel filed the Respondent's First Set of Interrogatories, as well as First Set of Requests for Production of Documents, in the Horry County Capital PCR action

of Jerome Jenkins, Jr., SCDC #6034 vs. State of South Carolina, Case No. 2022-CP-26-8071 on September 8, 2025;

3. Counsel prepared for a hearing on September 10, 2025 in the capital matter of John Richard Wood, #6005 vs. State of South Carolina, Case No. 2022-CP-23-0219;
4. Counsel filed 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 on September 12, 2025;
5. Counsel filed the Response to Motion for Evidentiary Hearing and Response to Motion for Summary Judgment in the matter of Billy Ray Smith vs. Warden, Perry Correctional Institution, C/A 1:25-692-CMC-SVH on September 15, 2025;
6. Counsel filed the Initial Brief of Respondent in the Laurens County direct appeal matter of The State vs. Timothy Paul Spencer, Appellate Case No. 2024-000685 on September 22, 2025;
7. Counsel filed the Final Brief of Respondent in the Lexington County direct appeal matter of The State vs. Nicolle N. Sanchez-Peralta, Appellate Case No. 2023-001588 on September 25, 2025;
8. Counsel also filed the Respondent's Response to Motion to Stay and Abeyance [ECF #8] in the matter of Nicholas A. Bonner vs. Warden Curtis Early, C/A No. 8:25-11154-DCN-WSB on September 25, 2025;
9. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #24], in the matter of Silvester Desmond Scott, a/k/a Sylvester Desmond Scott vs. Warden Martell, C/A No. 9:25-00758-BHH-MHC on September 26, 2025;
10. Counsel filed the Respondent's Reply to Petitioner's Response in Opposition to Motion for Summary Judgment [ECF #65] in the matter of Ben Robert Stewart vs. Warden of Tyger River Correctional Institution, C/A No. 1:25-2909-JFA-SVH on October 6, 2025; and
11. Counsel has been involved in working **on other matters in state and federal court.**

WHEREFORE, for the following extraordinary 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 November 7, 2025.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

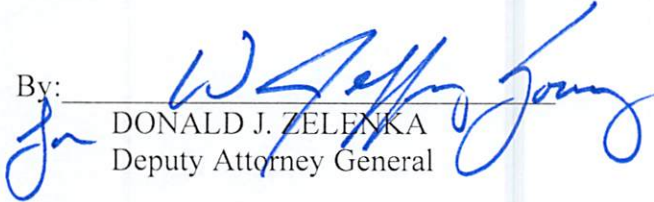
R. BRANDON LARRABEE
Assistant Attorney General
S.C. Bar No. 104865

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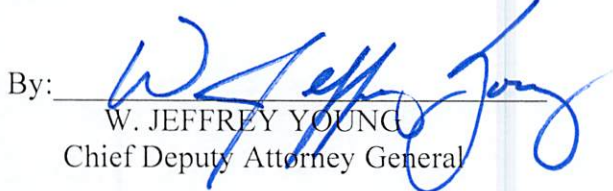
By: s/R. Brandon Larrabee
R. BRANDON LARRABEE
ATTORNEYS FOR RESPONDENT

October 8, 2025.

I support the finding of extraordinary circumstances.

By: 
DONALD J. ZELENKA
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, **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 Fourth 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, October 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 October, 2025.

s/ Donna D'Alessio
Donna D'Alessio, Legal Assistant to
R. Brandon Larrabee,
Assistant Attorney General
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