

**RECEIVED**

**Oct 15 2025**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Cherokee County  
The Honorable R. Keith Kelly, Circuit Court Judge

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THE STATE,

Respondent,

v.

DAVID EUGENE BAYNARD,

Appellant.

Appellate Case No. 2024-002185

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

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The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. Opposing counsel has graciously consented to all extensions through October 31, 2025. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of Matter is due today, Wednesday, October 15, 2025, as per this Court's Order granting Respondent's second extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend to since September 2025. Specifically,

1. Counsel prepared and filed the Motion for Summary Judgment and Return and

Memorandum of Law in Support of Summary Judgment on September 17, 2025 in the matter of Christopher Marquavious Moore, 368837 v. Warden, Perry Correctional Institution, C/A No. 4:25-cv-03534-DCC-TER, a matter pending in the District Court;

2. Counsel filed the Final Brief of Respondent on September 17, 2025, in the matter of The State v. Justin Cole Carroll, Appellate Case No. 2024-000722, a matter pending in this Court;

3. Counsel filed a Motion Opposing Petitioner's Motion to Amend Conditions of Bond on September 18, 2025, in the matter of K.C. Langford v. Donnie Stonebreaker, Jr., Warden, Evans Correctional Institution, C/A No. 9:20-cv-01298-DCC, a matter pending The United States Court of Appeals, Fourth Circuit;

4. Pursuant to Text Order [ECF 88] from the Honorable Donald C. Coggins, Counsel filed a Supplemental Brief on October 2, 2025, in the matter of K.C. Langford v. Donnie Stonebreaker, Jr., Warden, Evans Correctional Institution, C/A No. 9:20-cv-01298-DCC, a matter pending in The United States Court of Appeals, Fourth Circuit;

5. Counsel is preparing for a hearing regarding amending the conditions of bond, before the Honorable Donald C. Coggins today, October 15, 2025, in the matter of K.C. Langford v. Donnie Stonebreaker, Jr., Warden, Evans Correctional Institution, C/A No. 9:20-cv-01298-DCC, a matter pending in The United States Court of Appeals, Fourth Circuit;

6. Counsel is working on other state and federal matters, and this request is not made for the purpose of delay but due to the foregoing.

WHEREFORE, counsel respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief and Designation of Matter.

Respectfully submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General

TOMMY EVANS, JR.  
Assistant Attorney General

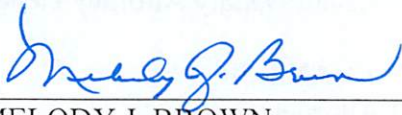
By: s/Tommy Evans, Jr.  
TOMMY EVANS, JR.  
No. 7448  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

ATTORNEY FOR RESPONDENT

October 15, 2025

*[signature block continued next page]*

I support the finding of good cause.

By:   
\_\_\_\_\_  
MELODY J. BROWN  
Senior Assistant Deputy Attorney General

October 15, 2025

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**PROOF OF SERVICE**

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The undersigned certifies that pursuant to Rule 262(c)(3), SCACR and the Supreme Court Order of April 24, 2024, the Third Extension to file the Initial Brief of Respondent, Designation of Matter, along with the Proof of Service, have been forwarded to Appellant's counsel, Gary H. Johnson via email today, October 15, 2025 to [ghjohnson@sccid.sc.gov](mailto:ghjohnson@sccid.sc.gov) and to Mr. Johnson's assistant, Daniel Bast, [dbast@sccid.sc.gov](mailto:dbast@sccid.sc.gov).

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

This is the 15<sup>th</sup> day of October 2025.

*s/Tommy Evans, Jr.*

Tommy Evans, Jr.

S.C. Bar No. 12990

Post Office Box 11549

Columbia, South Carolina 29211

ATTORNEY FOR RESPONDENT

## Brandy Rankin

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**From:** Brandy Rankin  
**Sent:** Wednesday, October 15, 2025 1:10 PM  
**To:** ghjohnson@sccid.sc.gov  
**Cc:** dbast@sccid.sc.gov; Tommy Evans, Jr.  
**Subject:** The State v. David Eugene Baynard - Third Motion for Extension to file the Initial Brief of Respondent and Designation of Matter - Appellate Case No. 2024-002185  
**Attachments:** BAYNARD DAVID - THIRD EXT to file IBOR-DOM.pdf

Dear Mr. Johnson,

Please find attached the Respondent's Third Motion for Extension to file the Initial Brief and Designation of Matter. Also attached is the Proof of Service. These documents will be filed today, October 15, 2025, with the South Carolina Court of Appeals along with a copy of this email.

Thank you!

*Brandy Rankin*

Brandy Rankin, Legal Assistant to Tommy Evans, Jr.  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
803-734-6305



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