

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Aiken County
The Honorable Courtney Clyburn-Pope, Circuit Court Judge

THE STATE,

Respondent,

v.

XABIAN URONIE BAILEY,

Appellant.

Appellate Case No. 2024-001526

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

Undersigned counsel would respectfully request a thirty (30) day extension up to and including December 15, 2025, in which to serve and file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. Opposing counsel has graciously consented to all extension requests through November 30, 2025. In support of this motion, counsel would respectfully show the Court the following:

1. Respondent's Initial Brief and Designation of matter are due today, November 14, 2025, pursuant to this Court's Order dated October 16, 2025. Substantial work has been completed on this brief. However, undersigned counsel has not been able to complete the brief at this time due to case demands in other state and federal matters, including addressing matters in several *capital cases* in various stages of litigation. Counsel's work over the past thirty days includes

having; prepared for and participated in a status Webex conference in a capital post-conviction relief action (*Timothy Jones*, Oct. 16, 2025); prepared and filed a return opposing a motion to stay the issuance of an execution notice (*Stephen Corey Bryant*, Oct. 16, 2025); received a notice of execution and sent out preparation and information notices regarding same (*Stephen Corey Bryant*, Oct. 17, 2025); prepared and filed a return and motion for summary judgment in a federal habeas corpus action (*Adonis Williams*, Oct. 20, 2025); completed review of final brief of respondent for filing in a non-capital murder direct appeal pending in this Court (*Willie James Smith*, Oct. 21, 2025); prepared, circulated, then submitted a proposed order for disclosure of mental health records in a capital PCR action (*Timothy Jones*, Oct. 22, 2025); prepared and filed a status report in a non-capital federal habeas corpus action (*Henry Dukes*, Oct. 23, 2025); and completed and filed an initial brief of respondent and designation of matter is another murder direct appeal (*Javeris Williams*, Oct. 27, 2025); prepared and filed three post-conviction relief action returns (*Jack Foreman, III, and Jack Foreman, IV*, Oct. 23, 2025; and *David Barajas (SGJ)*, Oct. 28, 2025); interviewed witness and prepared for post-conviction relief hearing scheduled for term beginning Nov. 3, 2025, (*David Barajas*); completed with co-counsel an initial brief of respondent in another non-capital murder direct appeal (*Troy Stevenson*, Oct. 29, 2025); prepared and filed an expedited response to a petition for writ of habeas corpus in the original jurisdiction of the Supreme Court of South Carolina and a motion to stay execution (*Stephen Corey Bryant*, Nov. 5, 2025); prepared a memorandum of law for an *Aiken v. Byars* proceeding (*Brett Hollis*, Nov. 12, 2025); prepared and filed a motion to amend initial brief of respondent in one of the above mentioned initial briefs (*Javaris Williams*, Nov. 13, 2025); and drafted other matters and participated in necessary communications in anticipation of the execution scheduled for today (*Stephen Corey Bryant*, Nov. 14, 2025).

2. Due to counsel's involvement in these and other matters pending in state and federal court, and considering counsel's administrative responsibilities as supervisor for murder appeals, federal habeas corpus actions, and capital litigation, undersigned counsel has been unable to timely complete the edits for the brief.

3. This request is made in good faith, based on necessity considering the foregoing work and responsibilities as listed, and not for the simple purpose of delay.

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

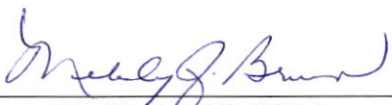
Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

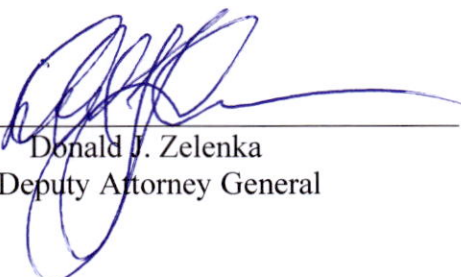
MELODY J. BROWN
Senior Assistant Deputy Attorney General

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By: 
MELODY J. BROWN
ATTORNEYS FOR RESPONDENT

November 14, 2025

I support the finding of good cause.

By: 
Donald J. Zelenka
Deputy Attorney General

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Nov 14 2025

SC Court of Appeals

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PROOF OF SERVICE

The undersigned certifies that pursuant to Rule 262(c)(3), SCACR and the Supreme Court order of April 24, 2024, the Motion for Extension of Time to Serve and File the Initial Brief of Respondent and Designation of Matter, along with Certificate of Service has been forwarded to Appellant's counsel, Gary H. Johnson, Esquire via email today, November 14, 2025 to GJohnson@sccid.sc.gov and to his assistant at dbast@sccid.sc.gov.

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

This is the 14th day of November, 2025.

s/ Angela Brown
Administrative Coordinator

Angela Brown

From: Angela Brown
Sent: Friday, November 14, 2025 10:49 AM
To: gjohnson@sccid.sc.gov; dbast@sccid.sc.gov
Cc: Melody Brown
Subject: The State v. Xabian Bailey (2024-001526)
Attachments: Bailey.Motion for Extension for IBOR.pdf

Mr. Johnson, please find attached the state's motion for an extension of time to serve and file the Initial Brief of Respondent and Designation of Matter in the above referenced appeal. The motion will be electronically filed with the Court of Appeals on today's date.

Thank you,

Angela Bennett Brown, Administrative Coordinator II
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