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Nov 13 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

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

THE STATE,

Respondent,

v.

DAVID EUGENE BAYNARD,

Appellant.

Appellate Case No. 2024-002185

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

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 November 30, 2025. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of Matter is due Friday, November 14, 2025, as per this Court's Order granting Respondent's third extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend to since October 2025. Specifically,

1. Counsel is prepared and participated in a hearing regarding amending the conditions of bond,

- before the Honorable Donald C. Coggins on 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;
2. Counsel prepared and participated in a virtual Status Conference before the Honorable Robert E. Hood on October 15, 2025, in the capital Post-Conviction Relief matter of Timothy Ray Jones, #5389 v. State of South Carolina, C/A 2024-CP-32-1212;
 3. Counsel prepared and presented Oral Argument on October 21, 2025, in Richmond, Virginia before The United States Court of Appeals, Fourth Circuit in the matter of K.C. Langford v. Donnie Stonebreaker, Jr., Warden, Evans Correctional Institution, C/A No. 9:20-cv-01298-DCC;
 4. Counsel prepared and filed the Final Brief of Respondent on October 27, 2025, in the matter of The State v. Calvin D. Ford, Appellate Case No. 2024-001870, a matter pending in this Court;
 5. Counsel prepared for and presented Oral Argument to The South Carolina Court of Appeals on November 4, 2025 in the matter of The State v. Gabriel Dantray Curry, Appellate Case No. 2022-000966;
 6. Counsel prepared for and presented Oral Argument to The South Carolina Court of Appeals today, November 12, 2025, in the matter of The State v. Genari Gresean McNeil, Appellate Case No. 2023-000591;
 7. Counsel is working on the Initial Brief and Designation of Matter due November 14, 2025, in the case of The State v. Jeffrey Michael George, Appellate Case No. 2024-001653 and which is on Fourth Extension and for which no further extensions are available, this is a matter pending in this Court;
 8. Counsel is working on the Return and Memorandum of Law in Support of Motion for Summary Judgment due today, November 13, 2025, in the matter of Breon J. Alexandre v.

Warden, Lieber Correctional Institution, C/A No. 0:25-cv-5626-RMJ-PJG, a matter pending in the District Court;

9. 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

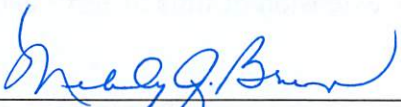
By: *s/Tommy Evans, Jr.*
TOMMY EVANS, JR.
No. 7448
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

ATTORNEY FOR RESPONDENT

November 13, 2025

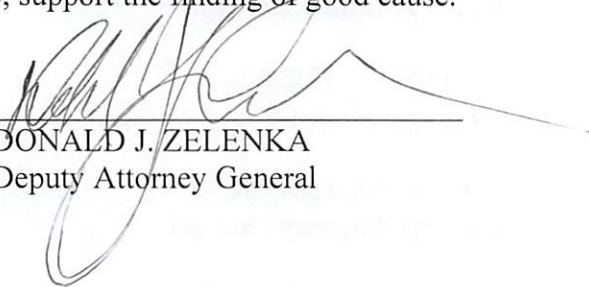
[signature block continued next page]

I support the finding of good cause.

By: 

MELODY J. BROWN
Senior Assistant Deputy Attorney General

I, too, support the finding of good cause.

By: 

DONALD J. ZELENKA
Deputy Attorney General

November 13, 2025

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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 Fourth 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, November 13, 2025 to ghjohnson@sccid.sc.gov and to Mr. Johnson's assistant, Daniel Bast, dbast@sccid.sc.gov .

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

This is the 13th day of November 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

From: Brandy Rankin
Sent: Thursday, November 13, 2025 1:23 PM
To: Johnson, Gary
Cc: dbast@sccid.sc.gov; Tommy Evans, Jr.
Subject: The State v. David Eugene Baynard - Fourth Motion for Extension to file Initial Brief of Respondent and Designation of Matter - 2024-002185
Attachments: MOTION FOR FOURTH EXTENSION OF TIME TO FILE INITIAL BRI.pdf

Dear Mr. Johnson,

Please find attached the Respondent's Fourth Motion for Extension in which to file the Initial Brief & Designation of Matter. This Motion will be filed today, November 13, 2025, with the South Carolina Court of Appeals along with a copy of this email. Thank you.

Sincerely,

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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