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Feb 05 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Sumter County
The Honorable Kristi F. Curtis, Circuit Court Judge

THE STATE,

Respondent,

v.

RASHAD MONTRELL HARVIN,

Appellant.

Appellate Case No. 2025-000123

**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 March 9, 2026, in which to serve and file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. Opposing counsel has consented to all extension requests through March 1, 2026. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of matter are due today, February 5, 2026. Pursuant to this Court's Order dated January 7, 2026. Counsel for Respondent has not been able to complete the initial brief within the allotted time due to other state and federal matters, including preparing and attending a weeklong capital PCR evidentiary hearing beginning January 12, 2026, in Conway, SC. (*Luzinski Cottrell*); completed and filed a final brief of

respondent in a murder direct appeal (*Tyriese Robinson, Jan. 8, 2026*); completed and filed with co-counsel a notice of appeal in a capital PCR (*Bobby Wayne Stone, Jan. 20, 2026*); prepared and filed a reply to return in opposition to motion for summary judgment in non-capital federal habeas corpus action (*Charlie Robinson, Jan. 22, 2026*); reviewed and filed return to and memorandum of law in support of motion for summary in a non-capital federal habeas corpus action (*Willie Williams, Jan. 23, 2026*); prepared and shared joint appendix cites with opposing counsel for a capital PCR matter (*William Dickerson, Jan. 23, 2026*); prepared and filed a reply in response to motion for summary judgment in non-capital federal habeas corpus action (*Nathaniel Bradley, Jan. 27, 2026*); prepared and filed a status report in a capital federal habeas corpus action (*Bobby Stone, Jan. 29, 2026*); prepared and filed a return to appointment of outside counsel in a capital case PCR appeal pending in the South Carolina Supreme Court (*Bobby Stone, Feb. 2, 2026*); reviewed and edited a return and memorandum in support of motion to dismiss in a federal habeas corpus action (*Daniel Crowe, Feb. 3, 2026*); and prepared and filed a Response in Opposition to Motion to Vacate in a non-capital federal habeas corpus action. (*Terrell McCoy, Feb. 2, 2026*). Counsel has also completed substantial work on the initial brief of appellant in another appeal also on second extension (*Casey Douglas*).

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 brief in this direct appeal. For the above reasons, Respondent is requesting a thirty (30) day extension of time in which to complete briefing in the captioned murder direct appeal.

This request is made in good faith, and not for the purpose of simple delay. Counsel is aware that this is a third extension in this matter and is working to clear up other matters to complete the necessary review and return in this case without further delay.


Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

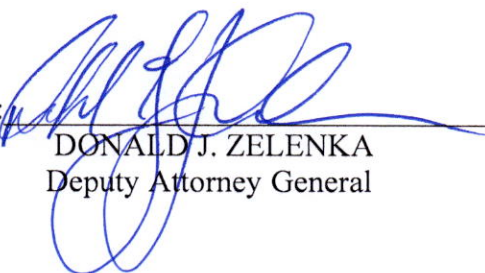
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: 

MELODY J. BROWN
ATTORNEYS FOR RESPONDENT

February 5, 2026.

I support the finding of good cause.

By: 

DONALD J. ZELENKA
Deputy Attorney General

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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, W. Chandler Norville, Esquire via email today, February 5, 2026 to cnorville@sccid.sc.gov and to his assistant at KWarren@sccid.sc.gov.

I further certify that all parties required by Rule to be served have been served. This 5th day of February, 2025.

s/ Angela Brown
Administrative Coordinator

Angela Brown

From: Angela Brown
Sent: Thursday, February 5, 2026 12:32 PM
To: cnorville@sccid.sc.gov; Warren, Kaylynn
Cc: Melody Brown
Subject: The State v. Rashad Harvin (2025-000123)
Attachments: Harvin.Motion for Extension for IBOR.pdf

Counsel, 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 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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