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May 28 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Bamberg County
The Honorable Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

Respondent,

v.

KURTINO DAMON WEATHERSBEE,

Appellant.

Appellate Case No. 2025-000246

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

The undersigned counsel would respectfully request a third thirty (30) day extension to serve and file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. Opposing counsel has consented to extension requests through June 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 Friday, May 29, 2026. The undersigned attorney has had a number of state and federal matters to attend since April 29, 2026.

Specifically,

1. Counsel filed Respondent's Response in Opposition to Petitioner's Motion to Appoint Counsel, in the matter of Brittany Cassandra Foster v. Warden of Camille Graham Correctional Center, C/A No. 1:26-264-JFA-SVH, on April 29, 2026;

2. Counsel filed the Petition for Rehearing, in the matter of The State v. Micah Christian Sylve Brown, Appellate Case No. 2022-001065, a matter in the South Carolina Court of Appeals, on April 30, 2026;
3. Counsel filed the Return to Petition for Writ of Certiorari, in Joseph Campbell Williams v. State, Appellate Case No. 2025-000730, a matter currently pending in the Supreme Court of South Carolina, on May 1, 2026;
4. Counsel filed the Return and Memorandum of Law in Support of Motion to Dismiss Without Prejudice and Motion to Dismiss Without Prejudice, in the matter of William Conner Jackson Jr., v. South Carolina Attorney General Alan Wilson, C/A No. 1:26-005-RMG-SVH, on May 18, 2026; and
5. Counsel filed a Motion of Summary Judgement and the Return and Memorandum of Law in Support of Motion for Summary Judgment, in the matter of Robert Lee Moore v. Warden Bailey, C/A No. 5:26-cv-184-TMC-KDW, on May 20, 2026.
6. Counsel is working on other state and federal matters, and this request is made in good faith, and not for the purpose of delay.

Due to counsel's involvement in these and other matters counsel has been unable to timely complete the Return in this matter.

WHEREFORE, undersigned counsel for Respondent moves this Court to enlarge the time for filing the Initial Brief of Respondent and Designation of Matter by granting a thirty (30) day extension of time, and ordering the Brief and Designation of Matter to be filed on or before June 29, 2026.

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
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(803) 734-6305

By: 
R. BRANDON LARRABEE
ATTORNEYS FOR RESPONDENT

May 28, 2026.

I support the finding of good cause.

By: 
MELODY J. BROWN,
Senior Assistant Deputy Attorney General

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PROOF OF SERVICE

I, **R. Brandon Larrabee**, counsel for Respondent, hereby certify that pursuant to Rule 262(c)(3), SCACR and the Supreme Court order of April 24, 2024, the Third extension of time to file the Initial Brief of Respondent and Designation of Matter have been forwarded to Appellant's counsel, Jessica M. Saxon, Esquire via email today, May 28, 2026 to jsaxon@sccid.sc.gov, and to her assistant, Kaylynn Warren, at KWarren@sccid.sc.gov.

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

This is the 28th day of May 2026.

s/R. Brandon Larrabee
Assistant Attorney General

Brittany Kilgore

From: Brittany Kilgore
Sent: Thursday, May 28, 2026 11:38 AM
To: 'jsaxon@sccid.sc.gov'; kwarren@sccid.sc.gov
Cc: Brandon Larrabee; Angela Brown
Subject: The State v. Kurtino Damon Weathersbee
Attachments: Weathersbee - Motion for Extension.pdf

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Counsel, please find attached, the State's Motion for Extension of Time to File Initial Brief of Respondent and Designated of Matter in the above reference appeal. The motion will be electronically filed with the South Carolina Court of Appeals on today's date.

Thank you,
Brittany Kilgore