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Jul 31 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Colleton 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 FIFTH EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND
DESIGNATION OF MATTER**

The undersigned counsel would respectfully request an extension of one (1) business day in which to file the Initial Brief of Respondent and Designation of Matter in the above-reference case. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of Matter are due today, July 31, 2026, as per this Court's Order dated July 7, 2026, granting Respondent's fourth extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since July 7, 2026. Specifically,

1. Counsel prepared and filed the Response to Amici Brief in the matter of Nazareth Sanchez-Peralta v. The State of South Carolina, Appellate Case No. 2023-001588, a matter in the South Carolina Court of Appeals, on July 13, 2026;

2. Counsel prepared and filed the Motion of Summary Judgment and the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Wallace Demery v. Warden Williams, Allendale Correctional Institution, C/A No. 1:26-cv-1121-JDA-SVH, on July 27, 2026;
3. 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.

However, due to counsel's involvement in these and other matters, counsel is unable to timely complete the Initial Brief of Respondent.

WHEREFORE, counsel respectfully requests an extension of one (1) business day to serve and file the Initial Brief of Respondent and Designation of Matter. This request is made to show extraordinary circumstances, and not for the purposes of delay.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

R. BRANDON LARRABEE
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By: s/ Richard Brandon Larrabee
R. BRANDON LARRABEE
ATTORNEYS FOR RESPONDENT

July 31, 2026.

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CERTIFICATE OF SERVICE

The undersigned certifies that pursuant to Rule 262(c)(3), SCACR and the Supreme Court order of April 24, 2024, the Initial Brief of Respondent, along with Certificate of Service has been forwarded to Petitioner's counsel, Jessica M. Saxon, Esquire via email today, July 31, 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 31st day of July 2026.

s/ Richard Brandon Larrabee

R. BRANDON LARRABEE

Assistant Attorney General

S.C Bar #104865

Office of Attorney General

Post Office Box 11549

Columbia, South Carolina 29211

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ATTORNEY FOR RESPONDENT

From: [Brandon Larrabee](#)
To: ["jsaxon@sccid.sc.gov"](#); ["KWarren@sccid.sc.gov"](#)
Cc: [Melody Brown](#); [Brittany Kilgore](#)
Subject: State v. Kurtino Damon Weathersbee (2025-000246) - Motion for Fifth Extension of Time
Date: Friday, July 31, 2026 8:22:00 PM
Attachments: [5th Extension of Time to File IBOR - Weathersbee Damon.pdf](#)
[image001.png](#)

Good evening.

Please find attached the State's Motion for a Fifth Extension of Time to File the Initial Brief of Respondent and Designation of Matter. This will be filed with the Court of Appeals this evening.

Best,

R. BRANDON LARRABEE, Assistant Attorney General
Office of the South Carolina Attorney General
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