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SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Sumter County
Court of General Sessions

The Honorable R. Ferrell Cothran, Circuit Court Judge

THE STATE,

Respondent,

v.

JASON EDWARD BARNES,

Appellant.

Appellate Case No. 2025-001361

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

The brief of respondent and designation of matter in the above captioned appeal is nearly completed. Undersigned counsel has worked diligently to complete the brief for service and filing today and had intended to file today in accordance with the Court's prior instruction that no further extension would be granted. However, counsel finds after extensive reading, reviewing exhibits, research and drafting, that to properly complete the brief, a short extension of **one day** is, regrettably, necessary. Opposing counsel has consented to all extension requests through November 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, Friday, October 23, 2026. Undersigned counsel assumed primary responsibility in this matter on September 4,

2026, with the departure of former counsel for the State, Mr. Larrabee. At that time counsel assumed primary representation, the State had already received prior extensions. The undersigned requested what was the State's fourth extension on September 23, 2026. Consequently, this appeal was noted as needing time in the calendar as quickly as possible. However, undersigned counsel already had case deadlines, notably in several capital matters, which prevented immediate work on the brief, as reflected in the following recent court appearances and filings:

Prepared for and participated in a capital PCR hearing in Greenville, SC (*Jerry Buck Inman*, Sept. 22-23, 2026); prepared and filed a reply to petitioner's opposition to summary judgment in a non-capital federal habeas action (*Wallace Demery*, Sept. 25, 2026); prepared and filed two responses in opposition to rule 59(e) motions in a non-capital federal habeas action (*Terrell McCoy*, Sept. 22, 2026 and Sept. 28, 2026); prepared and filed a petition for writ of certiorari in a murder direct appeal (*Micah Christian Sylve Brown*, Oct. 2, 2026); prepared and filed an additional authorities letter with the Fourth Circuit in a capital federal habeas action (*William Dickerson*, October 5, 2026); prepared and filed a return to the petition for certiorari in a non-capital murder direct appeal (*Clinton Warren Beebe*, Oct. 9, 2026); prepared for and presented oral argument in the Supreme Court of South Carolina in a murder direct appeal (*Nazareth Nicole Sanchez-Peralta*, Oct. 14, 2026); prepared and filed a motion to dismiss a murder direct appeal based on death of the applicant (*Anthony Argoe*, Oct. 15, 2026); and reviewed and edited a reply to a return in an appeal from the grant of relief in a capital PCR action (*Bobby Wayne Stone*, Oct. 22-23, 2026).

Even so, counsel has spent substantial time reading, reviewing exhibits, researching, and drafting the State's response brief to sufficiently address the three issues presented in this appeal. As of this evening, the brief is substantially complete as to two issues with the third

still in progress though nearly complete, as well. Once drafting of all issues is completed, the brief need only have the tables completed (having already generated citations for cases in the first two arguments) and the brief proofread. The brief will be conditionally filed pending consideration of this limited request for additional time to avoid any further delay in the service and filing of the brief.

This request is made in good faith, and not for the purpose of simple delay, but for the reasons outlined above.

Respectfully Submitted,

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s/Melody J. Brown

By: _____
MELODY J. BROWN
ATTORNEYS FOR RESPONDENT

October 23, 2026.

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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 foregoing motion for limited fifth extension, along with Certificate of Service, has been forwarded to Appellant's counsel, Lara M. Caudy, Esquire, via email today, **October 23, 2026**, to lcaudy@sccid.sc.gov and her assistant, Sara Mcinnis, at smcinnis@sccid.sc.gov.

s/Melody J. Brown

COUNSEL FOR RESPONDENT