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Sep 22 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Sumter County
The Honorable R. Ferrell Cothran, Jr., Circuit Court Judge

STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

JAMES L. GINTHER,

APPELLANT.

Appellate Case No. 2019-000672

**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 in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. Counsel for Appellant has graciously consented to extension requests through September 30, 2022. In support of this motion, counsel would respectfully show the Court the following good cause:

Respondent's Initial Brief of Respondent and Designation of Matter is due to be filed on Monday, September 26, 2022. The undersigned attorney has had a number of state, and federal matters to attend to since August 23, 2022. Specifically:

1. Counsel was out of the office on **August 11, 2022** due to testing positive for COVID and being ill, and did not return to the Office until **August 19, 2022**;

2. Counsel filed the Respondent's Response and Opposition to Petitioner's Motion to Amend [ECF #34] in the matter of John Garvin, #355509 vs. Warden LeVern Cohen, C/A No. 2:22-994-DCN-MGB (Federal Habeas Corpus) on **August 22, 2022**;

3. Counsel prepared and filed the Brief of Respondent in the matter of The State vs. William C. Sellers, Appellate Case No. 2021-000910, an Edgefield County direct appeal murder case now pending in the South Carolina Supreme Court on **August 26, 2022**;

4. Counsel filed the Motion to Exceed Limit for Reply to Response, together with Reply to Response in Opposition to Motion for Summary Judgment [ECF #30] (37 pages) in the matter of Manuel A. Marin, #343371 vs. Warden of Lieber Correctional Institution, 2:22-00351-DCC-MGB (Federal Habeas Corpus)(murder) on **September 7, 2022**;

5. Counsel prepared the Respondents/Appellees' Response to Motion for Motion to Reconsider Order consolidating appeals in the matter of Stephen C. Stanko vs. Bryan P. Stirling, Director, South Carolina Department of Corrections, and Lydell Chestnut, Deputy Warden of Broad River Correctional Institution, Nos. 22-2 and 22-3 (Capital Federal Habeas Appeal) in the United States Court of Appeals for the Fourth Circuit on **September 12, 2022**;

6. Counsel filed the Response to First Motion to Amend Petition [ECF #30] in the matter of Julia S. Gorman, #348815 vs. Warden Patricia Yedell, C/A No. 4:22-1036-HMH-TER on **September 14, 2022**;

7. Counsel also filed the Respondent's Response to Petitioner's Motion to Reset the Time After Mandamus Review [ECF #57] in the matter of Ron Santa McCray vs. Warden of Lieber Correctional Institution, C/A No. 1:22-1204-TLW-SV on **September 14, 2022**;

8. Counsel was out of the office on **Monday, September 19, 2022** through **Wednesday, September 21, 2022** attending the solicitor's conference in Myrtle Beach, South Carolina;

9. Counsel also prepared and filed the Return and Memorandum of Law in Support of Motion for Summary Judgment on **Wednesday, September 21, 2022** in the matter of Ron Santa McCray v. Warden of Lieber Correctional Institution, C/A No. 1:22-1204-TLW-SVH (Federal Habeas Corpus);

10. Counsel is also preparing the Initial Brief of Respondent in the matter of State vs. South Carolina vs. James Monroe Brown, Appellate Case No. 2021-000469, a Chesterfield County direct appeal matter now pending in the South Carolina Court of Appeals; and

11. Counsel has been involved in working **on other matters in state and federal court.**

WHEREFORE, for good cause shown, counsel respectfully requests a third thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter. This request is made in good faith, and not for the purposes of delay. This extension will make Respondent's Initial Brief due October 26, 2022.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General
S.C. Bar No. 14244

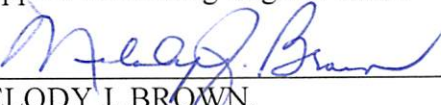
J. ANTHONY MABRY
Senior Assistant Attorney General

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-6305

By: s/J. Anthony Mabry
J. ANTHONY MABRY
ATTORNEYS FOR RESPONDENT

September 22, 2022.

I support the finding of good cause.



MELODY J. BROWN,
Senior Assistant Deputy Attorney General

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STATE OF SOUTH CAROLINA
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RESPONDENT,

v.

JAMES L. GINTHER,

APPELLANT.

Appellate Case No. 2019-000672

PROOF OF SERVICE

I, **Brandy Rankin**, an employee of the Respondent and legal assistant to J. Anthony Mabry, of counsel for the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Third Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Kathrine Hudgins, Esq., via email today, September 22, 2022 to KHudgins@sccid.sc.gov, and to her assistant at cstock@sccid.sc.gov.

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

This 22nd day of September, 2022.

s/ Brandy Rankin
Brandy Rankin, Legal Assistant to
J. Anthony Mabry
Senior Assistant Attorney General
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-6305

Brandy Rankin

From: Brandy Rankin
Sent: Thursday, September 22, 2022 8:33 AM
To: Hudgins, Kathrine
Cc: 'Stock, Chris'; Anthony Mabry
Subject: James L. Ginther - Appellate Case No. 2019-000672 - Third Extension to file Initial Brief of Respondent and Designation of Matter
Attachments: Third Motion for Extension to file IBOR DOM, 9-22-22, James L. Ginther (03108209xD2C78).pdf
Follow Up Flag: Worldox

Dear Ms. Hudgins,

Please find attached the Respondent's third extension request in which to file the Initial Brief and Designation of Matter in the above captioned case. The documents will be filed with the South Carolina Court of Appeals today, Thursday, September 22, 2022. We hope this finds everyone well. Thank you.

Brandy Rankin

Brandy Rankin, Legal Assistant
Office of the South Carolina Attorney General
Capital Litigation | Office 803-734-6305 |
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BrandyRankin@scag.gov



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RECEIVED
Sep 22 2022
SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

September 22, 2022

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: *The State v. James L. Ginther*
Appellate Case No. 2019-000672

Dear Ms. Kitchings:

I hereby request an extension of thirty (30) days in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. The Initial Brief is currently due to be served and filed Monday, September 26, 2022. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Initial Brief.

Therefore, I am requesting this extension within which to serve and file the Initial Brief of Respondent and Designation of Matter. Opposing counsel has consented to all extension requests through September 30, 2022, and I am informing opposing counsel of my request by copy of this letter via email.

Sincerely,

s/J. Anthony Mabry
J. Anthony Mabry
Senior Assistant Attorney General

JAM:bbr

cc: Kathrine Hudgins (email only)