

RECEIVED

Oct 26 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 FOURTH EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**  
\_\_\_\_\_

The undersigned counsel would respectfully request a fourth thirty (30) day extension 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 filed today, Wednesday, October 26, 2022. Counsel for Appellant has graciously consented to extension requests through October 31, 2022. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

Respondent's Initial Brief of Respondent and Designation of Matter is due to be filed today, Wednesday, October 26, 2022. The undersigned attorney is actively working on this brief, but was unable to complete same as he has had a number of state, and federal matters to attend to since September 26, 2022. Specifically:

1. Counsel is assisting in the preparation for the capital post-conviction relief (PCR) matter of Ricky Lee Blackwell vs. State of South Carolina, Case No. 2018-CP-42-00928, a

capital Spartanburg County matter. The capital Post-Conviction Relief hearing was currently scheduled for Monday, October 31, 2022, but was just continued last week until March, 2023;

2. Counsel prepared and filed 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**;

3. Counsel prepared and filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Randy Schultz vs. Warden Stonebreaker, C/A No. 5:22-1620-DCC-KDW (Federal Habeas Corpus) on **September 28, 2022**;

4. Counsel filed the Respondent's Reply to Petitioner's Latest Motion or Filing [ECF #70] which the Clerk treated as a Response to Motion for Summary Judgment, in the matter of Ron Santa McCray vs. Warden of Lieber Correctional Institution, C/A No. 1:22-1204-TLW-SVH (Federal Habeas Corpus) on **October 3, 2022**;

5. Counsel filed a Reply to Response to Motion for Summary Judgment in the matter of William D. Swaney, #249421 vs. Jonathan Nance, C/A No. 2:22-01294-JD-MGB (Federal Habeas Corpus) on **October 19, 2022**;

6. Counsel is currently preparing the Initial Brief of Respondent in the matter of State of South Carolina vs. James Monroe Brown, Appellate Case No. 2021-000469, a Chesterfield County murder appeal now pending in the South Carolina Court of Appeals, and same is to be filed on **Monday, November 14, 2022**;

7. Counsel is also currently preparing the Respondent's Return to Petition for Writ of Certiorari in the matter of Mikal D. Mahdi vs. Bryan Stirling, et al., a Calhoun County Federal

Habeas capital matter now pending in the Supreme Court of the United States. Same is due to be filed on **November 10, 2022**;

8. Counsel is preparing the Return and Memorandum of Law in the matter of Levitcus D. Young vs. Warden T. James, C/A No. 8:22-cv-2290-SAL-JDA (**Federal Habeas matter**). Same is due to be filed on **Wednesday, November 23, 2022**;

9. Counsel is preparing for oral argument in the South Carolina Supreme Court in the matter of The State vs. Jody Lynn Ward, Appellate Case No. 2021-000702 scheduled for **November 16, 2022**;

10. Counsel is also preparing for oral argument in the matter of The State vs. William C. (Billy) Sellers, Appellate Case No. 2021-000910; and

11. Counsel has been involved in working **on other matters in state and federal court**. A law clerk will be assigned to assist Respondent's attorney in this matter to assist in timely completion of the Initial Brief of Respondent and Designation of Matter.

WHEREFORE, for extraordinary circumstances shown, counsel respectfully requests a fourth 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 November 25, 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

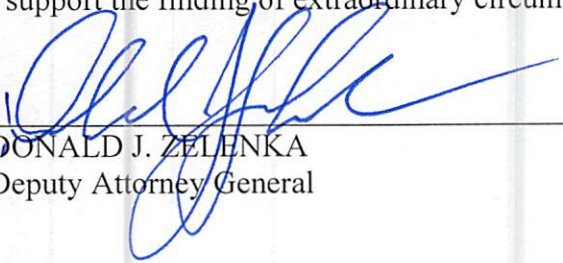
J. ANTHONY MABRY  
Senior Assistant Attorney General  
S.C. Bar No. 11973

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Post Office Box 11549  
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(803) 734-6305


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

October 26, 2022.

I support the finding of extraordinary circumstances.

  
\_\_\_\_\_  
DONALD J. ZELENKA  
Deputy Attorney General

I further support the finding of extraordinary circumstances.

  
\_\_\_\_\_  
W. JEFFREY YOUNG,  
Chief Deputy Attorney General

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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Sumter County  
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STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

JAMES L. GINTHER,

APPELLANT.

Appellate Case No. 2019-000672

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**PROOF OF SERVICE**

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I, **Donna D'Alessio**, 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 Fourth 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, October 26, 2022 to [KHudgins@sccid.sc.gov](mailto:KHudgins@sccid.sc.gov), and to her assistant at [cstock@sccid.sc.gov](mailto:cstock@sccid.sc.gov).

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

This 26<sup>th</sup> day of October, 2022.

s/ Donna D'Alessio  
Donna D'Alessio, 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

## Donna D'Alessio

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**From:** Donna D'Alessio  
**Sent:** Wednesday, October 26, 2022 11:49 AM  
**To:** 'khudgins@sccid.sc.gov'  
**Cc:** Stock, Chris (cstock@sccid.sc.gov)  
**Subject:** Ginther, James L. - Appellate Case No. 2019-000672 - fourth extension of time to file Initial Brief of Respondent and DOM  
**Attachments:** Ginther, James L. - Appellate Case No. 2019-000672 - Fourth Extension of Time to file IBOR 10-26-22 (03137020xD2C78).pdf

Dear Ms. Hudgins:

Attached is a scanned copy of the Respondent's fourth extension of time to file Initial Brief and Designation of Matter regarding the above case. The fourth extension of time is being submitted to the South Carolina Court of Appeals through e-filing, along with a copy of this email.

Hope you are well.

Donna D'Alessio, Legal Assistant  
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