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Mar 11 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Marion County  
The Honorable William H. Seals, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

ISAAC KAREEM HEMINGWAY,

APPELLANT.

Appellate Case No. 2023-000408

**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, Monday, March 11, 2024. Counsel for Appellant has graciously consented to this extension request. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

The undersigned attorney has had a number of state, and federal matters to attend to since February 8, 2024 including matters in this Court. Specifically:

1. Counsel was out of the office on **Wednesday, February 21<sup>st</sup>, Thursday, February 22<sup>nd</sup>, Friday, February 23, 2024, and Monday, February 26<sup>th</sup>** for medical procedures, and/or appointments;

2. Counsel filed the Respondent's Reply to Response to Motion for Summary Judgment and Related Motions [ECF #s 36, 36-1, 41 & 45], together with a Motion to exceed page limit for a Reply, also in the matter of Alonzo C. Jeter vs. Warden Wilfredo Martell, C/A No. 9:23-03253-MGL-MHC on **February 13, 2024**;

3. Counsel filed the Respondent's Response to Petitioner's Motions ECF #s 37, 42, 43 & 44 in the matter of Alonzo C. Jeter vs. Warden Wilfredo Martell, C/A No. 9:23-03253-MGL-MHC on **February 15, 2024**;

4. Counsel filed the Respondent's Reply to Objections to Report and Recommendation [ECF#50] in the matter of Kerwin S. Parker vs. Warden, Goodman Correctional Institution, C/A No. 1:23-251-MGL-SVH on **February 21, 2023**;

5. Counsel filed the Reply to Response to Petitioner's Objections to Report and Recommendation [ECF #25] in the matter of Andre Richardson vs. Levern Cohen, Warden of Ridgeland Correctional Institution, C/A No. 2:23-00818-JDA on **February 22, 2024**;

6. Counsel filed the Respondent's status report as per Text Order ECF #54 in the matter of Milciades Alcantara vs. Warden of McCormick Correctional Institution, C/A No. 9:21-01498-RBH-MHC on **February 28, 2024**;

7. Counsel also filed the Respondent's Reply to Response to Motion for Summary Judgment [ECF #38] in the matter of Christopher Heller vs. Warden of Lee Correctional Institution, C/A No. 5:23-3456-JD-KDW on **February 29, 2024**;

8. Counsel filed the Return to Petition for Rehearing in the matter of State of South Carolina vs. James L. Ginther, Appellate Case No. 2019-000672, a Sumter County murder appeal matter now pending in the South Carolina Court of Appeals on **Thursday, March 7, 2024**;

9. Counsel is also currently preparing for oral argument in the United States Court of Appeals for the Fourth Circuit in the capital matter of Stephen Stanko vs. Bryan Stirling, et al., Case Nos. 22-2 & 22-3. Oral argument is scheduled for **Tuesday, March 19, 2024**;

10. Counsel filed the Appellees/Respondents' Renewed Motion to Grant IT Access to Unredacted & Sealed Joint Appendix Volume XIX to Citations to the Matters in Appellant/Petitioner's Reply Brief in the capital matter of Stephen C. Stanko vs. Bryan P. Stirling, et al., Nos. 22-2 & 22-3 on **Friday, March 8, 2024**; and

11. Counsel is also currently preparing the Initial Brief of Respondent in the matter of The State vs. Quayshaun X. Clark, Appellate Case No. 2022-000962, a Lexington County murder appeal matter now pending in the South Carolina Court of Appeals;

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

WHEREFORE, for good cause 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 April 10, 2024.

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

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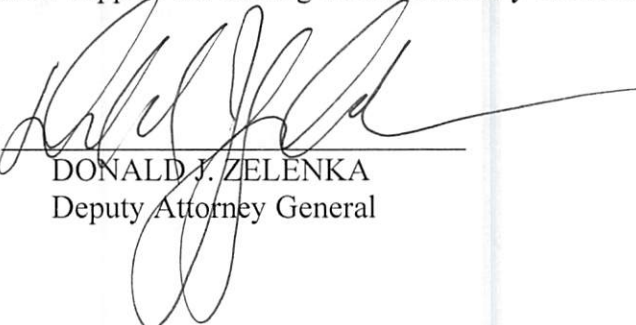
By: s/J. Anthony Mabry  
J. ANTHONY MABRY  
**ATTORNEYS FOR RESPONDENT**

March 11, 2024.

I support the finding of extraordinary circumstances.

By:   
MELODY J. BROWN  
Senior Assistant Deputy Attorney General

I further support the finding of extraordinary circumstances.

By:   
DONALD J. ZELENKA  
Deputy Attorney General

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**PROOF OF SERVICE**

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, Jillian Lesley, Esq., via email today, March 11, 2024 to [jill@franklinbestlaw.com](mailto:jill@franklinbestlaw.com)

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

This 11<sup>th</sup> day of March, 2024.

s/ Donna D'Alessio  
Donna D'Alessio, Legal Assistant to  
J. Anthony Mabry  
Senior Assistant Attorney General  
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