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Apr 04 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
The Honorable Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

ERNEST CONDRE BETHEL,

APPELLANT.

Appellate Case No. 2023-000669

**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. The Initial Brief is currently due to be filed tomorrow, Friday, April 5, 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 Marcg 5, 2024 including matters in this Court. Specifically:

1. 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 Supreme Court on **Thursday, March 7, 2024**;

2. Counsel also prepared for and attended 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 on **Tuesday, March 19, 2024**;

3. 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**;

4. Counsel filed the Respondent's Response to Motion to Expand the Record [ECF #55], and also filed a Response to Petitioner's Motion for Order to Preserve Records and to Cease Fraudulent Concealment [ECF #56], in the matter of Alonzo C. Jeter vs. Warden, Wilfredo Martell, C/A No. 9:23-03253-MGL-MHC on **March 11, 2024**;

5. Counsel filed the Respondent's Amended Return and Memorandum of Law in Support of Motion for Summary Judgment, and Amended Motion for Summary Judgment as per Text Order ECF #57 in the matter of Milciades Alcantara vs. Warden of McCormick Correctional Institution, C/A No. 9:21-01498-RBH-MHC on **March 13, 2024**;

6. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Tyrone Jenkins, #260214 vs. Warden, Allendale Correctional Institution, C/A No. 2:23-04993-SAL-MGB on **March 21, 2024**;

7. Counsel prepared and filed 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 on **Friday, March 29, 2024**;

8. Counsel filed the Respondent's Response to Text Order ECF #30 in the matter of Jamaal Hinson v. Bryan Stirling, C/A No. 1:23-3906-MGL-SVH on **April 3, 2024**;

9. Counsel is currently preparing the Initial Brief of Respondent in the matter of The State vs. Derrick A. McIlwain, Appellate Case No. 2022-001425, a Lancaster County murder appeal;

10. Counsel is currently preparing the Return to Petition for Writ of Certiorari in the Sumter County murder appeal matter of The State vs. James L. Ginther, Appellate Case No. 2024-000516. Same is currently pending in the South Carolina Supreme Court and is due to be filed on **May 2, 2024**; and

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

WHEREFORE, for extraordinary circumstances 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 May 6, 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

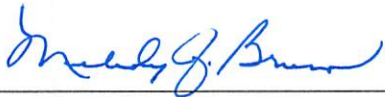
J. ANTHONY MABRY
Senior Assistant Attorney General
S.C. Bar No. 11973

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(803) 734-6305

April 4, 2024.

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

I hereby support the finding of good cause.

By: 
MELODY J. BROWN
Senior Assistant Deputy Attorney General

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Appellate Case No. 2023-000669

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 Third Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Dayne C. Phillips, Esq., via email today, April 4, 2024 to dayne@pricebenowitz.com and to Jamie E. Wilson, Esq. at jwilson@collinsandlacy.com.

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

This 4th day of April, 2024.

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