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May 03 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 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 Monday, May 6, 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 April 3, 2024 including matters in this Court. Specifically:

1. 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 in the United States District Court on **April 3, 2024**;

2. Counsel also filed the Reply to Response in Opposition to Motion for Summary Judgment [ECF #69] in the matter of Milciades Alcantara vs. Warden of McCormick Correctional Institution, C/A No. 9:21-cv-1498-RBH-MHC (Armed Robbery, Kidnapping, & CSC) on **April 8, 2024**; in United States District Court,

3. Counsel filed the Respondent's Reply to Petitioner's Response to the Motion for Summary Judgment [ECF #61] in the matter of Antonio Collins vs. Warden of Kirkland Correctional Institution, C/A No. 5:23-3696-DCC-KDW on **April 11, 2024**;

4. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary in the matter of Hector Camo Villafuerte vs. Warden of Evans Correctional Institution, C/A No. 9:23-05846-JDA-MHC on **April 17, 2024**;

5. Counsel filed the Return to Petition for Writ of Certiorari in the Sumter County murder appeal matter of State vs. James L. Ginther, Appellate Case No. 2024-000516 on **April 29, 2024**, now pending in the South Carolina Supreme Court;

6. Counsel is currently preparing the Initial Brief of Respondent in the matter of State vs. Derrick A. McIlwain, Appellate Case No. 2022-001425 – a Lancaster County murder appeal now currently pending in the South Carolina Court of Appeals. Same is due to be filed on Monday, May 6, 2024;

7. Counsel is also currently working on the Initial Brief of Respondent in the Marion County murder appeal matter of The State vs. Isaac Kareem Hemingway, Appellate Case No. 2023-000408. Same is currently pending in the South Carolina Court of Appeals and is due to be filed on **May 13, 2024**;

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

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 June 5, 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

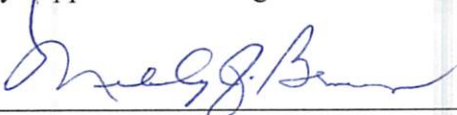
J. ANTHONY MABRY
Senior Assistant Attorney General
S.C. Bar No. 11973

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

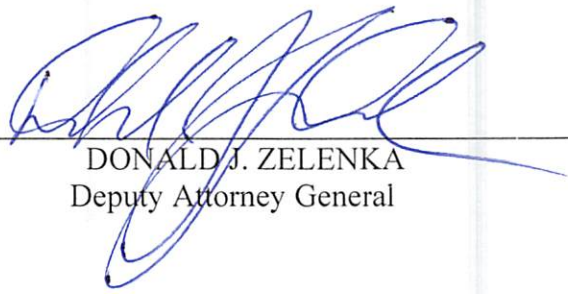
By: s/J. Anthony Mabry
J. ANTHONY MABRY
ATTORNEYS FOR RESPONDENT

May 3, 2024.

I hereby support the finding of extraordinary circumstances.

By: 
MELODY J. BROWN
Senior Assistant Deputy Attorney General

I also hereby support the finding of extraordinary circumstances.

By: 
DONALD J. ZELENKA
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 Fourth 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, May 3, 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 3rd day of May, 2024.

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

From: Donna D'Alessio
Sent: Friday, May 3, 2024 3:07 PM
To: 'Courtney Powers'
Cc: Dayne Phillips
Subject: RE: Extension Request
Attachments: Bethel, Ernest C. - Appellate Case No. 2023-000669 - Motion for Fourth Extension of Time to file IBOR 5-3-24 (03571665xD2C78).pdf

Thank you Courtney. Yes, it's Ernest C. Bethel. I've attached a copy of same for your reference.

Have a great weekend and thank you for getting back to me so quickly.

Donna D'Alessio,
Legal Assistant
Office of the Attorney General
State of South Carolina
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-6305

From: Courtney Powers <courtney@pricebenowitz.com>
Sent: Friday, May 3, 2024 2:58 PM
To: Donna D'Alessio <DDAlessio@scag.gov>
Cc: Dayne Phillips <dayne@pricebenowitz.com>
Subject: Extension Request

Hey Donna,

I saw your missed call. Dayne is speaking at a seminar today. Is the request for Bethel? If so, he consents to the extension request.

Please let me know if you need anything else. Thanks!



Courtney Powers
Paralegal for Dayne Phillips

1614 Taylor Street, Suite D, Columbia, SC 29201

Direct: [803.2165561](tel:803.2165561)

Office: [803.272.4503](tel:803.272.4503) Fax: [803.380.8035](tel:803.380.8035)

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Attorney Profile for Dayne Phillips

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