

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

RECEIVED

May 13 2024

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

ISAAC KAREEM HEMINGWAY,

APPELLANT.

Appellate Case No. 2023-000408

**MOTION FOR SIXTH EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a SIXTH 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, May 13, 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 prevented the previous filing of the Initial Brief of Respondent:

The undersigned attorney has had a number of state, and federal matters to attend to since April 11, 2024, including matters in this Court. Specifically:

1. 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**;

2. Counsel prepared and filed 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**;

3. 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;

4. Counsel prepared and filed 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 pending in the South Carolina Court of Appeals on **May 6, 2024**;

5. Counsel has completed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Maurice A. Odom vs. Warden of Broad River Correctional Institution, C/A No. 0:23-cv-6895-TMC-BM. Same is scheduled to be filed this week;

6. Counsel is currently preparing a Response to Petitioner’s Motion to Supplement the Record Pursuant to Fed. R. App P. Rule 10(e) in the matter of Stephen C. Stanko vs. Bryan Stirling, et al., C/A 1:19-03257-RMG-SVH, an Horry County capital matter;

7. Counsel is actively working on the Return and Memorandum of Law in the matter of Arthur William Macon vs. Bryan Stirling, et al., C/A No. 0:24-185-HMH-PJG, and has completed more than half of the Return; and

8. Counsel is also currently working on the Initial Brief of Respondent in this matter and needs further time to complete same;

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

WHEREFORE, for extraordinary circumstances shown, counsel respectfully requests a SIXTH 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 12, 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

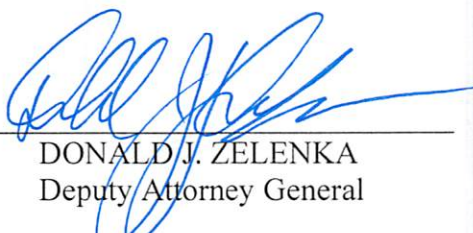
J. ANTHONY MABRY
Senior Assistant Attorney General
S.C. Bar No. 11973

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Post Office Box 11549
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(803) 734-6305


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

May 13, 2024.

I support the finding of extraordinary circumstances.

By: 
DONALD J. ZELENKA
Deputy Attorney General

I further support the finding of extraordinary circumstances.

By: 

W. JEFFREY YOUNG
Chief Deputy Attorney General

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THE STATE,

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APPELLANT.

Appellate Case No. 2023-000408

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 SIXTH 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, May 13, 2024 to jill@franklinbestlaw.com

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

This 13th 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: Monday, May 13, 2024 12:27 PM
To: jill@franklinbestlaw.com
Subject: Hemingway, Isaac K. - Appellate Case No. 2023-000408 - Sixth Extension of Time to file Initial Brief of Respondent
Attachments: Hemingway, Isaac K. - Appellate Case No. 2023-000408 - Motion for Sixth Extension of time to file IBOR 5-13-24 (03577417xD2C78).pdf

Dear Ms. Lesley:

Attached is a Motion for Sixth Extension of Time to file Initial Brief of Respondent regarding the above matter. Same will be filed with the South Carolina Court of Appeals today, May 13, 2024.

Thank you.

Donna D'Alessio,
Legal Assistant
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State of South Carolina
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