

RECEIVED

Jun 05 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Marlboro County
The Honorable Michael G. Nettles, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

JEJAUNCEY FERNANDO HARRINGTON,

APPELLANT.

Appellate Case No. 2023-000305

**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 today, June 5, 2024. Counsel for Appellant has graciously consented to extension requests through June 30, 2024. In support of this motion, counsel would respectfully show the Court the following circumstances:

The undersigned attorney has had a number of state, and federal matters to attend to since May 6, 2024 including matters in this Court. Specifically:

1. 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**;

2. Counsel filed a letter response to Petitioner-Appellant's attempt to file a Rule 28(j) motion in the capital matter of Stephen C. Stanko vs. Bryan Stirling, Director, South Carolina Department of Corrections, and Michael Stephan, Warden Broad River Correctional Institution, C/A No. 22-2 and 22-3 in the United States Court of Appeals for the Fourth Circuit on **May 13, 2024**;

3. Counsel also filed a Motion to Strike in the matter of Stephen C. Stanko vs. Bryan Stirling, Director, South Carolina Department of Corrections, and Michael Stephan, Warden Broad River Correctional Institution, C/A No. 22-2 and 22-3 in the United States Court of Appeals for the Fourth Circuit on **May 13, 2024**;

4. Counsel filed 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 on **May 15, 2024**;

5. Counsel prepared a Response to Petitioner's Motion to Supplement the Record Pursuant to Fed. R. App P. Rule 10(e) (ECF #140) in the matter of Stephen C. Stanko vs. Bryan Stirling, et al., C/A 1:19-03257-RMG-SVH, an Horry County capital matter in the United States District Court on **May 20, 2024**; counsel also filed an Amended Response on **May 21, 2024**;

6. Counsel also filed a Reply to Response to Motion to Strike in the matter of Stephen C. Stanko vs. Bryan Stirling, Director, South Carolina Department of Corrections, and Michael Stephan, Warden Broad River Correctional Institution, C/A No. 22-2 and 22-3 in the United States Court of Appeals for the Fourth Circuit on **May 22, 2024**;

7. Counsel filed the Respondent's Supplement to the Amended Return, and in Response to Text Order [ECF #71] in the matter of Milciades Alcantara vs. Warden of McCormick Correctional Institution, C/A No. 9:21-01498-RBH-MHC, also on **May 22, 2024**;

8. Counsel filed a Motion for Leave to File Sur Reply, as well as the Sur reply to the Amended Response to the First Motion to Supplement the Record in the United States District Court for the District of South Carolina, also in the matter of Stephen C. Stanko vs. Bryan Stirling, Director, South Carolina Department of Corrections, and Michael Stephan, Warden Broad River Correctional Institution, (capital case) C/A No. 1:19-03257-RMG-SVH on **May 31, 2024**;

9. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Calvin Terrell Williams vs. Warden of Perry Correctional Institution, C/A No. 9:24-00457-JFA-MHC on **June 3, 2024**;

10. 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 almost completed more than half of the Return. Same is due to be filed on Wednesday, June 12, 2024 and will be filed on that date;

11. Counsel is currently working on the Initial Brief of Respondent in the Marion County murder/weapons possession appeal matter of The State vs. Isaac Kareem Hemingway, Appellate Case No. 2023-000408 which is currently pending in the South Carolina Court of Appeals;

12. Counsel is also preparing the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #30] in the matter of Tyrone Jenkins vs. Warden, Allendale Correctional Institution, C/A No. 2:23-cv-4993-SAL-MGB. Same is due to be filed tomorrow, Thursday, June 6, 2024;

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

WHEREFORE, for 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 July 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

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

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

June 5, 2024.

I hereby support the finding of good cause.

By: 
MELODY J. BROWN
Senior Assistant Deputy Attorney General

RECEIVED

Jun 05 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Marlboro County
The Honorable Michael G. Nettles, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

JEJAUNCEY FERNANDO HARRINGTON,

APPELLANT.

Appellate Case No. 2023-000305

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, Lara M. Caudy, Esq., via email today, June 5, 2024 to jcaudy@sccid.sc.gov, and to her assistant at smcinnis@sccid.sc.gov.

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

This 5th day of June, 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