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Jun 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 SEVENTH EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a SEVENTH 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, Wednesday, June 12, 2024. Counsel for Appellant has graciously consented to this extension request. Counsel is actively working on this brief and completed a portion of the same, but the following extraordinary circumstances prevented the filing of the Initial Brief of Respondent:

The undersigned attorney has had a number of state, and federal matters to attend to since May 10, 2024, including matters in this Court. Specifically:

1. Counsel filed a letter response to Petitioner-Appellant's attempt to file a Rule 28(j) letter 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**;

2. Counsel also filed a Motion to Strike the Rule 28(j) letter 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**;

3. Counsel filed the Motion for Summary Judgment and 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**;

4. 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 filed on **May 20, 2024**; counsel also filed an Amended Response on **May 21, 2024**;

5. 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**;

6. 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**;

7. 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**;

8. 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**;

9. Counsel filed the Respondent's Reply to Response to Motion for Summary Judgment [ECF #30] in the matter of Tyrone Jenkins, #260214 vs. Warden, Allendale Correctional Institution, C/A No. 2:23-04993-SAL-MGB on **June 6, 2024**;

10. Counsel also filed the Respondent's Reply to Response to Motion for Summary Judgment [ECF #48] in the matter of Maurice Odom vs. Warden of Broad River Corr. Inst., C/A No. 8:23-06895-TMC-BM, on **June 7, 2024**;

11. Counsel prepared and is completing the Return to the Amended Petition or Federal Habeas Corpus Relief pursuant to 28 U.S.C. Section 2241 per Text Order ECF #35 in the matter of Steven W. Oxendine, #383737 vs. Warden of Evans Correctional Institution, C/A No. 2:23-00160-SAL-MGB (Federal Habeas Corpus). Same is **to be filed June 14, 2024**.

12. Counsel has completed 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. Same is **due and will be filed tomorrow, Wednesday, June 12, 2024** as no further extensions are allowed barring extraordinary circumstances;

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

Counsel previously requested Exhibits involved in the trial of this case from the Marion County Solicitor's Office which are necessary to complete the Brief of Respondent because of the issues raised by Appellant in his brief, but counsel has not received those as of this date.

An Assistant Attorney General is currently assisting Respondent's counsel in completing of the Brief of Respondent and in obtaining the Exhibits previously requested from the Marion County Solicitor's Office to complete the Brief of Respondent.

**WHEREFORE**, for extraordinary circumstances shown, counsel respectfully requests a SEVENTH 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 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

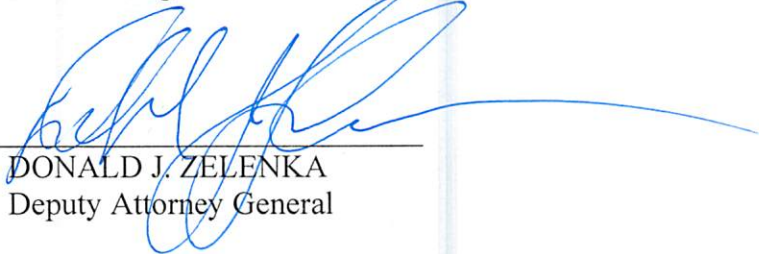
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Columbia, South Carolina 29211-1549  
(803) 734-6305

By: s/J. Anthony Mabry

June 11, 2024.

J. ANTHONY MABRY  
ATTORNEYS FOR RESPONDENT

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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**PROOF OF SERVICE**  
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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 SEVENTH 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, June 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 June, 2024.

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