

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 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 Friday, July 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:

Respondent has been unable to complete this brief because the undersigned attorney has had a number of other state, and federal matters to attend to since June 3, 2024 including matters in this Court. Specifically:

1. 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**;

2. 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**;

3. 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**;

4. Counsel filed 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 on **June 12, 2024**;

5. Counsel filed 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) on **June 13, 2024**;

6. Counsel filed the Respondent's Reply to Objections to Report and Recommendation [ECF #79] in the matter of Milciades Alcantara vs. Warden of McCormick Correctional Institution, C/A No. 9:21-01498-DCC on **June 20, 2024**;

7. Counsel filed a supplemental authorities letter in the United States Court of Appeals for the Fourth Circuit in the capital matter of Stephen C. Stanko vs. Bryan Stirling, et al., Case No. 22-3 on **June 21, 2024**;

8. Counsel is also 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, which contains five issues and is due to be filed on Friday, July 12, 2024;

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

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 August 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

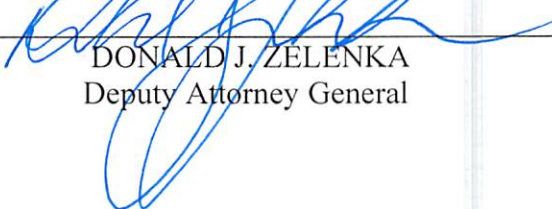
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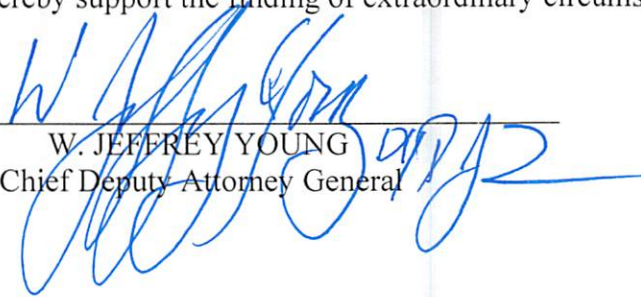
By: s/J. Anthony Mabry
J. ANTHONY MABRY
ATTORNEYS FOR RESPONDENT

July 3, 2024.

I hereby support the finding of extraordinary circumstances.

By: 
DONALD J. ZELENKA
Deputy Attorney General

I also hereby support the finding of extraordinary circumstances.

By: 
W. JEFFREY YOUNG
Chief Deputy Attorney General

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SC Court of Appeals

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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, Dayne C. Phillips, Esq., via email today, July 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 July, 2024.

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