

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 TO EXCEED PAGE LIMITS

Respondent respectfully submits this motion to exceed to page limits of the limitations set forth in Rule 208 (5), SCACR for length of Briefs submitted to the Court. In support of this motion, Respondent would respectfully show the Court:

1. Respondent's brief - from the statement of issues on appeal through the conclusion – is sixty-two (62) pages. Respondent numbered the table of contents and the table of cases separately. (See BOR, p. i. ii.).
2. Petitioner appeals from his conviction of 2 counts of murder and 1 count of possession of a weapon during a violent crime, but this is not a capital case.
3. Rule 208(5) provides: "Except in cases in which a sentence of death has been imposed, principal briefs shall not exceed fifty (50) pages."
4. Respondent believes the tables are not to be included in the page count.

5. Respondent respectfully moves to exceed the page limit because: (1) there are five (5) issues raised on appeal by Appellant; (2) due to the length of the Transcript of Record in this case which encompassed a two (2) week trial; (3) due to the need to discuss some of the exhibits in this case, such as statements of the Appellant, as well, as they were not taken down in the Transcript but entered into evidence and published to the jury; and (4) due to the specific issues raised which requires detailed factual and legal discussion.

6. Respondent has consulted with opposing counsel Elizabeth-Franklin Best, and she has no objection to this motion to exceed the fifty (50) page limit and file an Initial Brief of Respondent of approximately sixty-two (62) pages.

WHEREFORE, Respondent respectfully requests the Court grant this motion to exceed the page limitations and accept the brief which numbers sixty-two (62) pages without exemptions.

Respectfully Submitted,

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Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General
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By: s/J. Anthony Mabry
J. ANTHONY MABRY

July 12, 2024.

ATTORNEYS FOR RESPONDENT

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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 Respondent's Motion to Exceed Page Limits has been forwarded to Appellant's counsel, Jillian Lesley, Esq., via email today, July 12, 2024 to jill@franklinbestlaw.com.

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

This 12th day of July, 2024.

s/ Donna D'Alessio
Donna D'Alessio, Legal Assistant to
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