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Aug 02 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 FIFTH EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a FIFTH 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 on Monday, August 5, 2024. Counsel for Appellant has graciously consented to extension requests through August 31, 2024. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

The undersigned attorney has had a number of state, and federal matters to attend to since July 3, 2024 including matters in this Court. Specifically:

1. Counsel filed the Respondent's Reply to Response to Motion for Summary Judgment [ECF #51] in the matter of Steven W. Oxendine, #383737 vs. Warden of Evans Correctional Institution, C/A No. 2:23-00160-SAL-MGB on July 8, 2024;

2. Counsel filed the Respondent's Reply to Response to Opposition to Motion for Summary Judgment [ECF #53] in the matter of Steven W. Oxendine, #383737 vs. Warden of Evans Correctional Institution, C/A No. 2:23-00160-SAL-MGB on **July 12, 2024**;

3. Counsel prepared and filed the Initial Brief of Respondent in the Marion County murder (2 counts)/weapons possession appeal matter of State vs. Isaac Kareem Hemingway, Appellate Case No. 2023-000408 which is currently pending in the South Carolina Court of Appeals, which contained five (5) issues, and Respondent worked on this brief almost exclusively for four (4) and one-half ½ weeks and the Brief of Respondent was 62 pages in length, and same was filed on **Friday, July 12, 2024**;

4. Counsel prepared the Reply to Response in Opposition to Motion for Summary Judgment [ECF #29] in the matter of Arthur W. Macon vs. Bryan Stirling, et al., C/A No. 0:24-185-HMH-PJG on **July 29, 2024**;

5. Counsel assisted in the preparation of a murder trial, State v. Devonte Page, on July 22, 2024, to be conducted in Dillon County, on July 29, 2024, prosecuted by the Attorney General's Office;

6. Counsel filed the Reply to Objections to Report and Recommendation [ECF #63] in the matter of Jon W. Jarrard vs. Warden Wilfredo Martell, C/A No. 5:23-cv-2588-SAL-KDW today, **August 2, 2024**;

7. Counsel is currently working on the Return and Memorandum of Law in Support of Summary Judgment in Michael Young v. Warden, a federal habeas matter, where the petitioner was convicted of murder and ABWIK and no further extensions are permitted. Same is due to be filed **August 16, 2024**;

8. Counsel is also currently preparing the Initial Brief of Respondent in the matter of The State vs. Anthony Nicholas Argoe, Appellate Case No. 2023-000223, a Dorchester County direct appeal matter now pending in the South Carolina Court of Appeals;

9. Counsel is also currently preparing the Initial Brief of Respondent in the matter of The State vs. Antonio D. Brayboy, Appellate Case No. 2023-001182, a Florence County murder appeal matter now pending in the South Carolina Court of Appeals;

10. Counsel is also currently preparing the Response to Objections to the Report and Recommendation of the Magistrate Judge in Malcom Williams v. Warden (Federal Habeas Corpus); and

11. Counsel has been involved in working **on other matters in state and federal court including capital cases.**

A paralegal has been assigned to assist Respondent's attorney in completing the Initial Brief of Respondent in this matter. Respondent's attorney is also attempting to clear his calendar to focus on the completion of this brief and another pending in this Court.

WHEREFORE, for extraordinary circumstances shown, counsel respectfully requests a fifth 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 September 4, 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

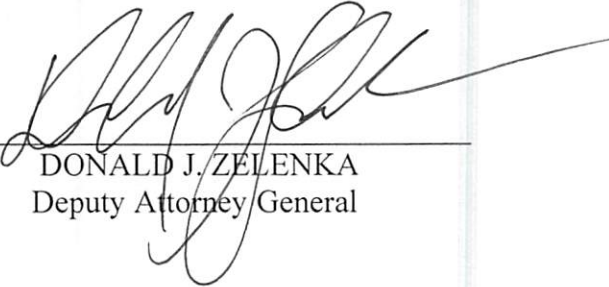
J. ANTHONY MABRY
Senior Assistant Attorney General
S.C. Bar No. 11973

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

August 2, 2024.

I hereby support the finding of extraordinary circumstances.

By: 
DONALD J. ZELENKA
Deputy Attorney General

I hereby support the finding of extraordinary circumstances.

By: 
W. JEFFREY YOUNG
Chief Deputy Attorney General

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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 Fifth 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, August 2, 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 2nd day of August, 2024.

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