

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
The Honorable Eugene C. Griffith, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

v.

KIERIN MARCELLUS DENNIS,

APPELLANT.

Appellate Case No. 2019-001486

MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR REHEARING

The undersigned counsel would respectfully request a first fifteen (15) day extension in which to file the Petition for Rehearing in the above-referenced case. The Petition for Rehearing is currently due to be filed tomorrow, Thursday, August 29, 2024. Counsel for Appellant has graciously consented to extension requests through August 31, 2024.

In support of the Motion for an Extension, counsel would respectfully show the Court the following extraordinary circumstances preventing the filing of the Petition for Rehearing:

The undersigned attorney has had a number of state, and federal matters to attend to since July 29, 2024, including matters in this Court. Specifically:

1. 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;

2. Counsel also 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 on **August 2, 2024**;

3. Counsel filed the Reply to Response in Opposition to Motion for Summary Judgment [ECF #27] in the matter of Calvin T. Williams vs. Warden of Perry Correctional Institution, C/A No. 9:24-cv-457-JFA-MHC on **August 9, 2024**;

4. Counsel filed the Respondent's Response to Objections to Report and Recommendation [ECF #46] in the matter of Malcolm Antwon Williams, #372578 vs. Wilfredo Martell, Warden, C/A No. 4:23-1833-DCC on **August 12, 2024**;

5. Counsel filed the Respondent's Response to Motion [ECF #135] in the matter of Ron Santa McCray vs. Warden of Lieber Correctional Institution, C/A No. 1:22-1204-TLW, also on **August 12, 2024**;

6. Counsel prepared and filed a Motion to Strike and Require Filing of Amended Initial Brief of Appellant in the matter of State vs. Antonio D. Brayboy, Appellate Case No. 2023-001182, a Florence County murder appeal matter on **August 14, 2024**;

7. Counsel filed a Motion to Supplement the Record Pursuant to Rule 212(a)&(b), SCACR, with attachments, 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 on **August 15, 2024**;

8. Counsel prepared and filed the Return and Memorandum of Law in Support of Summary Judgment in Michael Young v. Warden, (Murder & ABWIK) a federal habeas matter, where the petitioner was convicted of murder and ABWIK and no further extensions were permitted. Same was filed on **August 16, 2024**;

9. Counsel prepared the Response to Objections to the Report and Recommendation in Alonzo C. Jeter v. Warden Wilfredo Martell, C/A No. 9:23-cv-3253-MGL-MHC, a (Federal Habeas Corpus matter) on **August 23, 2024**;

10. Counsel is currently preparing the Initial Brief of Respondent in the matter of 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;

11. Counsel is currently preparing and completing the Initial Brief of Respondent in State v. Ernest Bethel, a Richland County murder appeal, and the brief is to be filed **August 29, 2024**;

12. Counsel is also preparing the Initial Brief of Respondent in State v. Fernando Jejauncey Harrington, Appellate Case No. 2023-000305 (Murder 2 counts – Marlboro County) which is pending in the South Carolina Court of Appeals;

13. Counsel assisted in the preparation of a murder case on August 21, 2024, set for trial in September in Greenville County, State v. Blauvelt;

14. Counsel filed the State Court Records (Five Notices) in the capital Georgetown matter of Stephen Stanko vs. Bryan P. Stirling and Lydell Chestnut, C/A No. 1:24-cv-4109-RMG-SVH, pursuant to ECF #12 on Thursday, **August 22, 2024** and **August 23, 2024**;

15. Counsel is also currently working on the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of David Glover, #364163 vs. Warden Lavern Cohen, C/A No. 4:24-2635-MGL-TER; and

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

WHEREFORE, for extraordinary circumstances shown, counsel respectfully requests an extension of time to serve and file the Petition for Rehearing. This request is made in good faith, and not for the purposes of delay. This extension will make Respondent's Petition for Rehearing due September 13, 2024.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
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August 28, 2024.

By: s/J. Anthony Mabry
ATTORNEYS FOR RESPONDENT

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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 Motion for Extension of Time to File Petition for Rehearing has been forwarded to Appellant's counsel, Robert M. Dudek, Esq., Esq., via email today, August 28, 2024 to RDudek@sccid.sc.gov and to his assistant at kwarren@sccid.sc.gov; to Lara Caudy, Esq. at lcaudy@sccid.gov and to her assistant at smcinnis@sccid.sc.gov; and to Adam Ruffin, Esq. at adam@ruffinappeals.com

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

This 28th 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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