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Oct 03 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 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, Friday, October 4, 2024. Respondent is actively working on this Brief and has completed a large majority of the brief but is still completing the same and waiting on certain records/orders that are being requested from the Marlboro County Clerk of Court to complete the same. Counsel for Appellant has graciously consented to extension requests through October 31, 2024. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

Although, Respondent's attorney has been actively working on this brief and completed a large majority of the brief, the undersigned attorney has had a number of state, and federal matters

to attend to since September 3, 2024 including matters in this Court that have prevented completion of this Brief. Specifically:

1. Counsel filed the Initial Brief of Respondent in State v. Ernest Bethel, Appellate Case No. 2023-000669, a Richland County murder appeal matter on **September 4, 2024**;

2. Counsel filed a Reply to Response to Motion to Supplement the Record on Appeal in the matter of The State vs. Anthony N. Argoe, Appellate Case No. 2023-000223, a Dorchester County murder appeal now pending in the South Carolina Court of Appeals on **September 4, 2024**;

3. Counsel filed a Reply to Response in Opposition to Motion to Strike in the matter of The State vs. Antonio D. Brayboy, Appellate Case No. 2023-001182, a Florence County murder appeal matter now pending in this court on **September 6, 2024**;

4. Counsel filed the Respondent's Response to Petitioner's Objections to the Report and Recommendation [ECF #76] in the matter of Antonio Collins vs. Warden of Kirkland Correctional Institution, C/A No. 5:23-3696-DCC-KDW on **September 17, 2024**;

5. Counsel filed 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, also on **September 17, 2024**;

6. Counsel assisted in responding to various pleadings in State and federal court regarding the imminent execution of Freddie Eugene Owens;

7. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Michael J. Young vs. Warden Brian Kendall, C/A No. 9:24-236-JFA-MHC on **September 26, 2024**;

8. Counsel prepared the Amended Initial Brief of Respondent in the matter of The State vs. Isaac Kareem Hemingway, Appellate Case No. 2023-000408, a Marion County direct appeal murder case filed on **September 30, 2024**;

9. Counsel filed a Motion for Reconsideration in the matter of The State vs. Anthony N. Argoe, Appellate Case No. 2023-000223, a Dorchester County murder appeal matter pending before this Court today, **October 3, 2024**;

10. Counsel is currently preparing the Return and Memoranda of Law in Breon Jacoby Mayers v. Warden Lee Correctional, a murder case on federal habeas corpus review;

11. Counsel is assisting in responding to pleadings regarding the execution of Richard B. Moore;

12. Counsel is also preparing the Initial Brief of Respondent in this matter; and

13. 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. That paralegal is obtaining Orders from the Marlboro County Clerk of Court regarding this case that are necessary so that Respondent's counsel can complete the Initial Brief of Respondent in this matter.

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 November 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

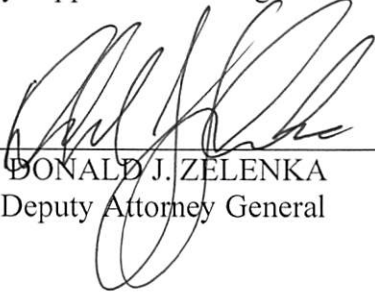
J. ANTHONY MABRY
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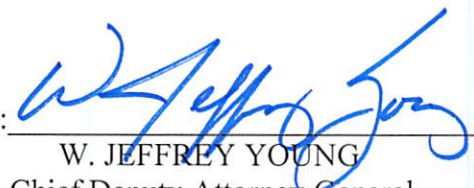
By: s/J. Anthony Mabry
J. ANTHONY MABRY
ATTORNEYS FOR RESPONDENT

October 3, 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 Sixth 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, October 3, 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 3rd day of October, 2024.

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