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Nov 26 2024

SC Court of Appeals

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 FILE AMENDED FINAL BRIEF OF RESPONDENT
OUT OF TIME**

Respondent, by and through the undersigned attorneys, hereby moves to file the Final Amended Brief of Respondent out of time. Counsel for Appellant has graciously consented to this motion.

1. Respondent previously timely filed its Amended Initial Brief of Respondent;
2. Through a clerical error the due date of the Final Amended Brief of Respondent was not properly calendared, and as a result the Final Amended Brief of Respondent was inadvertently not timely filed;
3. This Court issued an Order directing Respondent to File the Final Amended Brief of Respondent on or before November 29, 2024, along with a Motion to File the Final Amended Brief Out of Time.
4. Respondent is filing the Amended Final Brief of Respondent with this Motion as

directed in this Court's Order and respectfully moves that this Court accept the Final Amended Brief of Respondent out of time because the failure to timely file the same was due to a clerical error.

RESPONDENT SO MOVES.

WHEREFORE, based on the foregoing, Respondent respectfully requests this Court grant this Motion and accept the Final Amended Brief of Respondent out of time.

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY BROWN
Senior Assistant Deputy Attorney General

J. ANTHONY MABRY
Senior Assistant Attorney General
State ID No.: 11973

By: s/J. Anthony Mabry
J. ANTHONY MABRY

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(803) 734-6305

November 26, 2024.
Columbia, South Carolina.

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 to File Amended Final Brief of Respondent Out of Time has been forwarded to Appellant's counsel, Jillian Lesley, Esq., via email today, November 26, 2024 to jill@franklnbestlaw.com.

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

This 26th day of November, 2024.

s/ Donna D'Alessio

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