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Jan 24 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Horry County  
The Honorable B. Alex Hyman, Circuit Court Judge

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THE STATE,

RESPONDENT,

v.

STEPHEN D. O'HARA,

APPELLANT.

Appellate Case No. 2024-000097

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**MOTION FOR SECOND EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

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The undersigned counsel would respectfully request a SECOND thirty (30) day extension in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. Counsel for Appellant has graciously consented to extension requests through January 31, 2025. In support of this motion, counsel would respectfully show the Court the following circumstances:

Respondent's Initial Brief and Designation of Matter is due to be filed on Monday, January 27, 2025. The undersigned attorney has had a number of state, and federal matters to attend to since December 27, 2025, specifically:

1. Counsel prepared and filed the Return to Petition for Writ of Certiorari in the death penalty matter of Marion Bowman, Jr., SK #6006 vs. Bryan P. Stirling, Commissioner,

South Carolina Department of Corrections, Appellate Case No. 2024-002113, together with attachments on December 30, 2024;

2. Counsel filed the Return to Amended Petition for Writ of Habeas Corpus in the matter of Mickey Markell Johnson vs. Warden, Broad River Correctional Institution, C/A No. 0:24-1623-TMC-PJG on December 31, 2024;

3. Counsel filed the Respondent's Response in Opposition to Petitioner's Motion for Reconsideration [ECF #84] in the matter of Earnest Vaughn vs. Warden Turbeville Correctional Institution, C/A No. 6:23-04220-JDA on January 2, 2025;

4. Counsel also filed the Respondent's Response in Opposition to Petitioner's Motion to Amend Petition [ECF #66] in the matter of Mickey Markell Johnson vs. State of South Carolina, C/A No. 0:24-1623-TMC-PJG on January 6, 2025;

5. Counsel prepared and filed the Response in Opposition to Motion for Stay of Execution in the death penalty matter of Marion Bowman, Jr. vs. State of South Carolina, Appellate Case No. 2024-002113, a Dorchester matter now pending before the South Carolina Supreme Court on January 10, 2025;

6. Counsel prepared and filed the Motion for Sanctions in the death penalty Post-Conviction matter of Luzenski Allen Cottrell vs. State of South Carolina, C/A No. 2008-CP-26-5709 currently pending in the Horry County circuit court on January 17, 2025;

7. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #41] in the matter of Arthur Quintin Jones, Jr. vs. Warden Evans Correctional Institution, C/A No. 6:24-04191-JFA-KFM on January 14, 2025;

8. Counsel is currently preparing the Return to Petition for Writ of Certiorari in the matter of Marion Bowman, Jr. vs. Bryan P. Stirling, Director, South Carolina Department of

Corrections, et al., Case No. 24-6376, a Dorchester County capital matter now pending in the Supreme Court of the United States; and

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

WHEREFORE, for the following circumstances, counsel respectfully requests a SECOND 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 on February 26, 2025.

Respectfully Submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

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By: s/W. Joseph Maye  
W. JOSEPH MAYE  
ATTORNEYS FOR RESPONDENT

January 24, 2025.

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**PROOF OF SERVICE**

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I, **Donna D'Alessio**, an employee of the Respondent and legal assistant to W. Joseph Maye, of counsel for the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the second Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Robert M. Dudek, Esq., via email today, January 24, 2025 to [RDudek@sccid.sc.gov](mailto:RDudek@sccid.sc.gov) and to his assistant at [kwarren@sccid.sc.gov](mailto:kwarren@sccid.sc.gov).

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

This 24<sup>th</sup> day of January, 2025.

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