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Feb 25 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

THE STATE,

RESPONDENT,

v.

STEPHEN D. O'HARA,

APPELLANT.

Appellate Case No. 2024-000097

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

The undersigned counsel would respectfully request a THIRD 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 February 28, 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 tomorrow, Wednesday, February 26, 2025. The undersigned attorney has had a number of state, and federal matters to attend to since January 24, 2025, specifically:

1. Counsel filed the Respondent's Reply to Response in Opposition to Respondent's Motion for Sanctions, together with Affidavits in the capital post-conviction relief matter of

Luzenski Allen Cottrell, #6020 vs. State of South Carolina, Case No. 2008-CP-26-5709, on January 24, 2025;

2. Counsel prepared and filed the Brief in Opposition 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 in the Supreme Court of the United States on January 27, 2025;

3. Counsel filed the Final Brief of Respondent in the matter of The State vs. Michael Tiven Bolton, Appellate Case No. 2023-001327, a Charleston County direct appeal matter now pending in the South Carolina Court of Appeals on January 28, 2025;

4. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #47] in the matter of Matthew C. Dwyer vs. Warden of Broad River Correctional Institution, C/A No. 5:24-3036-SAL-KDW on January 31, 2025;

5. Counsel also prepared and filed a Motion to Strike in the matter of Matthew C. Dwyer vs. Warden of Broad River Correctional Institution, C/A No. 5:24-3036-SAL-KDW, also on January 31, 2025;

6. Counsel prepared the Return to Petition for Writ of Certiorari in the matter of Dwayne C. Tallent vs. State of South Carolina, Appellate Case No. 2024-000627, a Greenville County post-conviction appeal matter now pending in the South Carolina Supreme Court on February 3, 2025;

7. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment in the matter of Kevin Charles Casey vs. Warden of Tyger River, C/A No. 9:24-03653-JFA-MHC on February 4, 2025;

8. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Richard Douglas Waldrup vs. Warden Wilfredo Martell, C/A No. 9:24-cv-3985-SAL-MHC on February 10, 2025;

9. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment in the matter of Jonathan Michael Brown vs. Warden of Perry Correctional Institution, C/A No. 8:24-05077-JFA-WSB on February 18, 2025; and

10. Counsel is currently preparing the Initial Brief of Respondent in the Richland County direct appeal matter of The State vs. Antonio V. Barnes, Jr., Appellate Case No. 2023-001390. Same is due to be filed on March 5, 2025 and no further extensions will be permitted; and

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

WHEREFORE, for the following circumstances, counsel respectfully requests a THIRD 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 March 28, 2025.

Respectfully Submitted,

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Attorney General

DONALD J. ZELENKA
Deputy Attorney General

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

February 25, 2025.

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PROOF OF SERVICE

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 third 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, February 25, 2025 to RDudek@sccid.sc.gov and to his assistant at kwarren@sccid.sc.gov.

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

This 25th day of February, 2025.

s/ Donna D'Alessio
Donna D'Alessio, Legal Assistant to
W. Joseph Maye,
Assistant Attorney General
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