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Mar 27 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 FOURTH EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a FOURTH 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 March 31, 2025. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

Respondent's Initial Brief and Designation of Matter is due to be filed tomorrow, Friday, March 28, 2025. The undersigned attorney has had a number of state, and federal matters to attend to since February 25, 2025, specifically:

1. Counsel prepared and filed the Initial Brief of Respondent in the matter of The State vs. Antonio V. Barnes, Appellate Case No. 2023-001390, a Richland County direct appeal matter on March 10, 2025;

2. The scheduling of executions in on-going and previous death penalty matters has contributed to Respondent's inability to complete the Initial Brief this matter;

3. Counsel filed the Respondent's Response in Opposition to Motion for Summary Judgment and Motion to Strike [ECF #s 35 & 36], in the matter of Jonathan Michael Brown vs. Warden of Perry Correctional Institution, C/A No. 8:24-05077-JFA-WSB on March 21, 2025;

4. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Robert L. O'Shields vs. Warden of Tyger River, C/A No 5:24-6272-BHH-KDW on March 24, 2025;

5. Counsel is currently preparing the post-hearing brief in the matter of Suzanna Brown Simpson vs. State of South Carolina, Case No. 2020-CP-39-617, a Pickens county post-conviction relief matter; and

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

WHEREFORE, for the following extraordinary circumstances, counsel respectfully requests a FOURTH 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 April 28, 2025.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

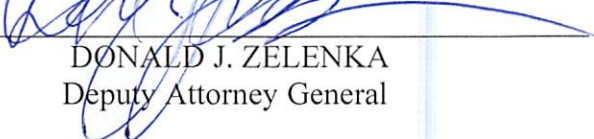
W. JOSEPH MAYE
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By: s/W. Joseph Maye
W. JOSEPH MAYE
ATTORNEYS FOR RESPONDENT

March 27, 2025.

I support the finding of extraordinary circumstances.

By: 
DONALD J. ZELENKA
Deputy Attorney General

I further support the finding of extraordinary circumstances.

By: 
W. JEFFREY YOUNG
Chief Deputy Attorney General

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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 fourth 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, March 27, 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 27th day of March, 2025.

s/ Donna D'Alessio

Donna D'Alessio, Legal Assistant to
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