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Mar 27 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Spartanburg County  
The Honorable Daniel McLeod Coble, Circuit Court Judge

Appellate Case No. 2024-000488

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THE STATE,

Respondent,

vs.

KENNETH GLENN LEWIS,

Appellant.

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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 in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief is due to be filed on Monday, March 31, 2025. Counsel for Appellant have consented to extension requests through March 31, 2025.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since February 26, 2025. Specifically,

1. Respondent assisted with the disposition of several PCR cases in Greenville Common Pleas on Wednesday, **February 26, 2025** before Judge Vernon Dunbar;

2. Counsel filed Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #18] in the matter of King Chevais Conyers vs. Shane Jackson, C/A No. 6:24-cv-4569-RMG-KFM on **March 3, 2025**;

3. Respondent is assisting in the drafting and filing the Brief in Opposition in the United States Supreme Court in Stanko v. Warden (Federal Habeas Corpus/ Capital Case) due **March 31 2025**;

4. Counsel prepared and filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Marquis Spencer McDonald vs. Kenneth Sharp, Warden, C/A No. 2:24-cv-6196-MGL-MGB (Murder/Federal Habeas Corpus) on **Friday, March 7, 2025**;

5. Counsel prepared **for several days** for and made the **oral argument** on **Tuesday, March 11, 2025** in the matter of State vs. James E. Daniels, Jr., Appellate Case No. 2023-001170 before the South Carolina Supreme Court on certiorari from the South Carolina Court of Appeals, **cert denied as improvidently granted by the South Carolina Supreme Court last week**;

6. Counsel filed the Reply to Response to Motion for Summary Judgment [ECF #21] in the matter of Fonnelze T. Delane vs. Shane Jackson, Warden Lee Correctional Institution, C/A No. 5:24-5907-SAL-KDW on **March 20, 2025**;

7. Respondent assisted in the drafting and filing of the Return to Petition for Writ of Habeas Corpus in the original jurisdiction of the South Carolina Supreme Court [death penalty], Appellate Case No. 2025-000524, and Response in Opposition to Motion for Stay of Execution, Appellate Case No. 2025-000491, in the capital matter of Mikal D. Mahdi vs. Bryan P. Stirling, Commissioner, South Carolina Department of Corrections, now pending in the South Carolina Supreme Court, **filed yesterday, March 26, 2025 [execution upcoming]**;

8. Counsel is currently working on the Return and Memorandum of Law in Rajshun Foster v. Warden (Federal Habeas Corpus/Murder) **expected to be filed Monday, March 31, 2025;**

9. Counsel is also preparing the Initial Brief of Respondent in the matter of The State vs. Dionicio Nava Abarca, Appellate Case No. 2023000180; and

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

However, due to counsel's involvement in these and other matters pending in state and federal court, counsel is unable to timely complete the Initial Brief of Respondent in this proceeding. Thus, counsel is requesting an extension of time in which to file the Initial Brief in this matter. This request is made in good faith, and not for the purposes of delay.

WHEREFORE, premises considered, counsel hereby respectfully requests a second thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter.

Respectfully submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General

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

March 27, 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 J. Anthony Mabry, 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 the 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](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 27<sup>th</sup> day of March, 2025.

s/ Donna D'Alessio

Donna D'Alessio  
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Senior Assistant Attorney General  
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