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Apr 22 2025

SC Court of Appeals

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Charleston County
The Honorable Deadra L. Jefferson, Circuit Court Judge

Appellate Case No. 2024-001245

THE STATE,

Respondent,

vs.

KARSEEM NICHOLAS HARDAWAY,

Appellant.

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

The undersigned counsel would respectfully request a 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 tomorrow, Wednesday, April 23, 2025. Appellant's counsel has graciously consented to extension requests through April 30, 2025. This motion is made because the Respondent has not been able to respond within the allotted time for the following reasons. Specifically,

1. 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;
2. 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;
3. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #23], and a Motion to Strike in the matter of Richard Douglas Waldrup vs. Warden Wilfredo Martell, C/A No. 9:24-03985-SAL-MHC on April 2, 2025;
4. Counsel also filed the Respondent's Response in Opposition to Rule 60(b) Motion, and Motion for Hearing [ECF #84] in the matter of Ryan Deleston vs. Warden Nelsen, C/A No. 0:20-717-TMC on April 2, 2025;
5. Counsel appeared before the South Carolina Court of Appeals for oral argument on behalf of the State in the matter of The State vs. Zachir D. McCall, Appellate Case No. 2022-000921, on Wednesday, April 9, 2025;
6. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Donald A. Partaka, #379920 vs. Warden of Allendale Correctional Institution, C/A No. 2:24-06409-SAL-MGB on April 14, 2025;
7. Counsel appeared before the South Carolina Court of Appeals for oral argument on behalf of the State in the matter of The State vs. Ray L. Kelly, Appellate Case No. 2022-001449 on Wednesday, April 16, 2025;
8. Counsel is currently preparing the Respondent's objections to the Petitioner's Proposed Order in the matter of Suzanna Brown Simpson, #368727 vs. State of South Carolina,

Case No. 2020-CP-39-00617, a Pickens County Post-Conviction Relief matter. Same is due to be filed today, April 22, 2025; and

9. 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 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

W. JOSEPH MAYE
Assistant Attorney General
State I.D. No. 100851

By: *s/ W. Joseph Maye*
W. Joseph Maye

ATTORNEYS FOR RESPONDENT

April 22, 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 Second Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Jordan Wayburn, Esq., via email today, April 22, 2025 to jwayburn@sccid.sc.gov and to his assistant at cstock@sccid.sc.gov.

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

This 22nd day of April, 2025.

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