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Apr 29 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 THIRD EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

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The undersigned counsel would respectfully request a third 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 good cause:

Respondent's Initial Brief is due to be filed tomorrow, Wednesday, April 30, 2025. Counsel for Appellant has consented to extension requests through April 30, 2025.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since March 28, 2025 that kept him from completing the Initial Brief of Respondent in this matter. Specifically,

1. Counsel prepared and filed the Return and Memorandum of Law in Rajshun Foster v. Warden, C/A No. 5:24-07113-RMG-KDW (Federal Habeas Corpus/Murder) on **April 2, 2025**;

2. Respondent assisted in the drafting and filing of the Brief in Opposition in the United States Supreme Court in Stanko v. Warden (Federal Habeas Corpus/ Capital Case). Same was filed on **March 31, 2025**;

3. Counsel appeared for oral argument in the South Carolina Court of Appeals in the matter of The State vs. Quayshaun X. Clark, Appellate Case No. 2022-000962 on **Thursday, April 10, 2025**;

4. Counsel filed the Initial Brief of Respondent in the matter of The State vs. Dionicio Nava Abarca, Appellate Case No. 2023000180 on **Friday, April 11, 2025**;

5. Counsel prepared the Reply to Response to Motion for Summary Judgment [ECF #24] in the matter of Marquis Spencer McDonald vs. Kenneth Sharp, Warden, C/A No. 2:24-cv-6196-MGL-MGB, also on **April 11, 2025**;

6. Counsel filed the Respondent's Response to Motion for Limited Sentencing Exposure [ECF #93], and Response to Motion to Amend/Correct [ECF #99] in the matter of Alonzo C. Jeter vs. Warden Wilfredo Martell, C/A No. 9:23-03253-MGL on **April 17, 2025**;

7. Counsel filed the Respondent's Response to Petitioner's Objections to Report and Recommendation [ECF #43] in the matter of Breon J. Mayers vs. Shane Jackson, Warden of Lee Correctional Institution, C/A No. 0:24-cv-1240-DCN-PJG on **April 18, 2025**;

8. Counsel also filed the Response to Objections to Report and Recommendation [ECF #47] in the matter of Sammy Lee Scarborough vs. Curtis Earley, C/A No. 1:24-cv-3646-JFA-SVH on **April 21, 2025**;

9. Counsel is currently working on the Brief of Petitioner in the matter of The State vs. Kierin Marcellus Dennis, Appellate Case No. 2024-002019, a Lexington County direct appeal matter now pending before the South Carolina Supreme Court after grant of certiorari;

10. Counsel is also currently preparing the Initial Brief of Respondent in the matter of The State vs. Algernard D. Young, Appellate Case No. 2023-000994, a Charleston County direct appeal matter [murder] now pending in the South Carolina Court of Appeals;

11. Counsel for Respondent is currently preparing the Initial Brief in this matter; and

12. 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, for good cause shown, and not for the purposes of delay.

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

Respectfully submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General

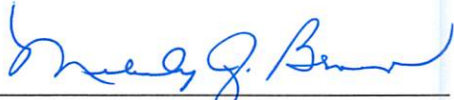
J. ANTHONY MABRY  
Assistant Attorney General  
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(803) 734-6305

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

April 29, 2025.

I support the finding of good cause.

By: 

MELODY J. BROWN

Senior Assistant Deputy Attorney General

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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 third 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, April 29, 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 29<sup>th</sup> day of April, 2025.

*s/ Donna D'Alessio*

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Donna D'Alessio  
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