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Aug 31 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Lexington County
The Honorable Frank R. Addy, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

v.

JOSEPH RANDOLPH HENRY,

APPELLANT.

Appellate Case No. 2020-001404

**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. This is a second extension request. In support of this motion, counsel would respectfully show the Court the following good cause:

Respondent's Initial Brief is due to be filed on Thursday, September 2, 2021. Counsel for Appellant, David Alexander, has graciously consented to this extension request. The undersigned attorney has had a number of personal, state, and federal matters to attend to since July 30, 2021. Specifically,

1. Counsel for Respondent received a heart and kidney transplant in October of 2020 and is scheduled for a heart biopsy on Wednesday, **September 1, 2021 at Duke University Medical Center.**

2. Counsel filed the Respondent's Response to Motion for Default Judgment and/or Summary Judgment [ECF #22] in the matter of Touriarnold Spann v. C. Williams, Warden, C/A No. 8:21-00892-JMC-JDA on **August 3, 2021;**

3. Counsel filed the Respondent's Response to Motion to Dismiss for Lack of Jurisdiction [ECF #33] in the matter of Alexander Bernard Wilson, Jr. vs. Warden, Kirkland Correctional Institution, C/A No. 5:21-1000-JFA-KDW on **August 6, 2021;**

4. Counsel also filed a Reply to Objections to Report and Recommendation in the matter of Eric Ancrum vs. State of South Carolina, C/A No. 1:20-cv-4264-DCC-SVH on **August 13, 2021;**

5. Counsel filed the Respondent's Response to Motion for Hearing [ECF #37] in the matter of Alexander Bernard Wilson, Jr. vs. Warden, Kirkland Correctional Institution, C/A No. 5:21-1000-JFA-KDW on **August 18, 2021;**

6. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Deonte S. Brown vs. Samuel Wise, Warden, C/A No. 5:21-01890-HMH-KDW on **August 25, 2021;**

7. Counsel filed the Return to Petition for Writ of Certiorari in the matter of The State vs. Jody L. Ward, a Georgetown County murder appeal matter now pending in the South Carolina Court of Appeals on **August 25, 2021;**

8. On **August 27, 2021** counsel filed the Respondent's Status Report in response to TEXT Order [ECF #67] in the matter of Arthur L. Singleton, #300109 vs. Warden of Lee Correctional Institution, C/A No. 9:18-3300-SAL-MHC;

9. Counsel is also assisting in the preparation of the Petition for Rehearing in the United States Court of Appeals for the Fourth Circuit in the capital matter of Sammie Stokes v. Bryan Stirling, No. 18-6 to be filed on Wednesday **September 1, 2012**; and

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

Counsel is actively working on this brief; however, due to counsel's medical condition, and the other matters counsel has been working on and/or filed in state court and United States district court, counsel was unable to timely complete the Initial Brief of Respondent and Designation of Matter in this case.

WHEREFORE, for good cause shown, counsel respectfully requests a 2nd 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.

Respectfully Submitted,

ALAN WILSON
Attorney General

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

August 31, 2021.

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JOSEPH RANDOLPH HENRY,

APPELLANT.

Appellate Case No. 2020-001404

PROOF OF SERVICE

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 Initial Brief of Respondent and Designation of Matter has been forwarded to appellant's counsel, David A. Alexander, Esq., via email today, August 31, 2021 to dalexander@sccid.sc.gov and to his assistant at lmattthews@sccid.sc.gov.

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

This 31st day of August, 2021.



Donna D'Alessio, Legal Assistant to
J. Anthony Mabry,
Senior Assistant Attorney General
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
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Donna D'Alessio

From: Donna D'Alessio
Sent: Tuesday, August 31, 2021 3:12 PM
To: 'dalexander@sccid.sc.gov'
Cc: 'lmatthews@sccid.sc.gov'
Subject: Henry, Joseph R. - Appellate Case No. 2020-001404 - Motion for Second Extension of time to file IBOR 8-31-21
Attachments: Henry, Joseph R. - Appellate Case No. 2020-001404 - Motion for Second Extension of time to file IBOR 8-31-21 (02696913xD2C78).pdf

Dear Mr. Alexander:

Attached is a scanned copy of the Respondent's Motion for Second Extension of Time to file Initial Brief of Respondent regarding the above matter. The Second Motion for Extension and supporting document are being submitted to the South Carolina Court of Appeals through e-filing, along with a copy of this email.

Hope you are well, and thank you.

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