

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Edgefield County
R. Knox McMahon, Circuit Court Judge

The State of South Carolina,

Respondent,

v.

Julio Angelo Hunsberger,

Appellant,

Appellate Case No.: 2012-207290.

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JUN 07 2013

SC Court of Appeals

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

Respondent, the State, moves this Court for an additional thirty (30) day extension of time in which to file the Initial Brief of Respondent and Designation of Matter. This is Respondent's second request for an extension of time in which to file the brief. In support of the request, undersigned counsel would respectfully show the Court:

1. Undersigned counsel for Respondent has been scheduled for a number of state and federal matters in the last thirty (30) days, that include, but are not limited to, the following: prepared and submitted a proposed order regarding deposition costs in a capital post-conviction relief action (*Steven Bixby*); prepared and filed a return and memorandum of law in support of motion for summary judgment, and a response in opposition to motion for appointment of counsel, in a federal habeas action (*Willie Chapman*); prepared and filed a return to petition for rehearing at the request of this Court in a non-capital murder direct appeal (*Andre Tayson Boone*); prepared and filed a return to petition for rehearing at the request of this Court in another non-capital murder direct appeal (*Eugene Patterson*); prepared and filed a return to a pending

motion for stay of execution and appointment of counsel on an expedited schedule for response in federal District Court in a capital case (*Brad Sigmon*); prepared and filed a reply to response in opposition to motion for summary judgment in another federal habeas action (*Devario M. Simpson*); prepared and filed a return to petition for court to review assignment of PCR judge in the Supreme Court of South Carolina on expedited schedule for response in another capital case (*William O. Dickerson*); prepared and filed a final brief of respondent in this Court in another non-capital murder direct appeal (*Leonard Goodwin*); prepared and filed a reply to response in opposition to report and recommendation in another federal habeas case (*Charles Upson*); prepared and filed a response in opposition to motion for evidentiary hearing in one of the above listed federal habeas cases (*Devario M. Simpson*); prepared and filed an objection to report and recommendation in another federal habeas case (*Thomas Evans*); prepared and served upon opposing counsel supplemental responses to standard interrogatories and request to produce in one of the above referenced capital post-conviction relief cases (*William O. Dickerson*); prepared and filed a return and memorandum of law in support of motion for summary judgment and motion to dismiss without prejudice for failure to exhaust available state remedies in another federal habeas action (*Conrad Lamont Slocumb*); presented oral argument in this Court in another non-capital murder direct appeal (*Rashaun Sobers*); and, prepared and filed a return and memorandum of law in support of motion for summary judgment in another federal habeas case (*Fito Godinez*). Counsel is also presently preparing a response in opposition to motion for *ex parte* and *in camera* proceedings in one of the above listed capital post-conviction relief cases (*William O. Dickerson*); and preparing for oral argument in this Court on Tuesday June 11, 2013 in another non-capital murder direct appeal (*Jeffrey Riebe*).

2. Due to her heavy case load, undersigned counsel for Respondent has not been able, in a timely fashion, to complete the initial brief in this appeal.

3. This is the third request for an extension of time in which to file a response.

THEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete the Initial Brief of Respondent and Designation of Matter.

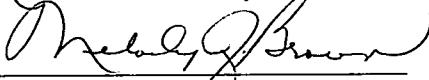
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

MELODY J. BROWN
Senior Assistant Attorney General

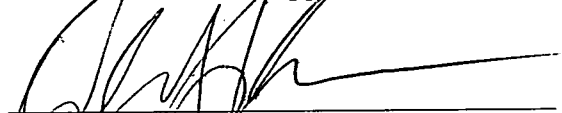
BY: 
MELODY J. BROWN
S.C. Bar No. 14244

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

June 7, 2013.
Columbia, South Carolina.

ATTORNEYS FOR RESPONDENT

I have reviewed and approved this request:


DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

STATE OF SOUTH CAROLINA
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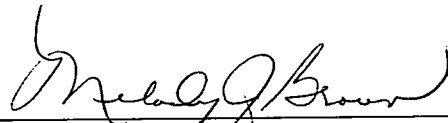
Appellate Case No.: 2012-207290.

PROOF OF SERVICE

I, Melody J. Brown, certify that I have served Respondent's Motion for a Third Extension of Time on counsel for Appellant, by depositing one copy of same in the United States mail, postage prepaid, to counsel for appellant, addressed as follows:

Kathrine H. Hudgins, Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

This 7th day of June, 2013.



MELODY J. BROWN
S.C. Bar No. 14244

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ATTORNEY FOR RESPONDENT

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ALAN WILSON
ATTORNEY GENERAL

June 7, 2013

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: The State v. Julio Angelo Hunsberger
Appeal from Edgefield County
Appellate Case No. 2012-207290

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Dear Ms. Kitchings:

Enclosed please find the original and one (1) copy of Respondent's Motion for Third Extension of Time to file Initial Brief of Respondent and Designation of Matter, dated, together with a Proof of Service in the above-referenced matter.

Thank you for your assistance in this matter. Please call this office if you need any additional information.

Sincerely,

Melody J. Brown
Senior Assistant Attorney General

MJB/mv

cc: Kathrine H. Hudgins, Appellate Defense