

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Williamsburg County  
The Honorable Clifton Newman, Circuit Court Judge  
Appellate Case No. 2011-185566

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RECEIVED  
JUN 14 2013  
SC COURT OF APPEALS

The State of South Carolina,

Respondent,

v.

Kelvin Michael Bowen, Jr.,

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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Respondent, the State, moves this Court for a thirty (30) day extension of time in which to file the Initial Brief of Respondent and Designation of Matter. Due to his heavy case load, undersigned counsel for Respondent has not been able, in a timely fashion, to complete the initial brief in this appeal. This is Respondent's third 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. Counsel reviewed, prepared and filed a Response in Opposition to Motion to Compel Discovery in a federal habeas case (*Frederick L. Howell*); reviewed, prepared and filed a Return and Memorandum of Law in Support of Motion for Summary Judgment, as well as a Response in Opposition to Petitioner's Motion to Stay Habeas Petition and Hold in Abeyance in a federal habeas case (*Jamel Alexandrette*); reviewed, prepared and filed a Return and Memorandum of Law in Support of Summary Judgment in a federal habeas case (*Jonathan Coburn*); reviewed, prepared and filed a Return and Memorandum of Law in Support of

Summary Judgment in a federal habeas case (*Terrance J. Bradshaw*); reviewed, prepared and filed a Petition for Writ of Certiorari in the South Carolina Supreme Court in a non-capital murder appeal case (*Roger Bruce*); prepared and submitted to opposing counsel Respondent's Second Set of Interrogatories and Production of Documents in a capital post-conviction relief action (*Andres Antonio Torres*); and, filed a Response in Opposition to Motion for Copies of Motion for Summary Judgment and Return in a federal habeas case (*Edmond S. Adams*).

2. Undersigned Counsel has reviewed transcripts in preparation for writing the brief of respondent but still needs to review exhibits at the Williamsburg County Clerk of Court prior to preparing his initial brief and designation of matter.

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

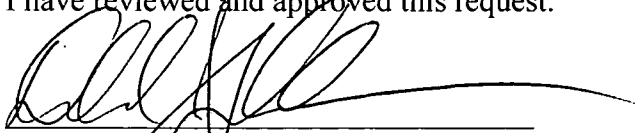
BRENDAN J. McDONALD  
Assistant Attorney General

ERNEST A. FINNEY, III  
Solicitor, Third Judicial Circuit

June 14, 2013

BY:   
BRENDAN J. McDONALD  
Office of the Attorney General  
Post Office Box 11549  
(803) 734-3188

I have reviewed and approved this request.



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DONALD J. ZELENIKA  
Senior Assistant Deputy Attorney General

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**PROOF OF SERVICE**

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I, Brendan J. McDonald, 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:

Susan B. Hackett, Appellate Defender  
South Carolina Commission on Indigent Defense  
PO Box 11589  
Columbia, SC 29211

This 14<sup>th</sup> day of June, 2013 .



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BRENDAN J. McDONALD  
Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3188

ATTORNEY FOR RESPONDENT



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SC COURT OF APPEALS

ALAN WILSON  
ATTORNEY GENERAL

June 14, 2013

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

Re: The State v. Kelvin Michael Bowen, Jr.  
Appeal from Williamsburg County  
Appellate Case No.: 2011-185566

Dear Ms. Kitchings:

Enclosed please find the original and one (1) copy of the Respondent's Motion for Third Extension of Time to file the Initial Brief of Respondent and Designation of Matter, dated June 14, 2013, together with a Proof of Service in the above referenced matter.

Thank you for your consideration.

Sincerely,

Brendan J. McDonald  
Assistant Attorney General

BJM/mv

cc: Susan B. Hackett, Appellate Defender