

STATE OF SOUTH CAROLINA
In the Court of Appeals

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

The State of South Carolina,

v.

Julio Angelo Hunsberger,

Appellate Case No.: 2012-207290.

Respondent,

Appellant,

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JUL 08 2013
SOUTH CAROLINA
COURT OF APPEALS

**MOTION FOR FOURTH 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 fourth 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: presented oral argument in this Court in another non-capital murder direct appeal (*Jeffrey Riebe*); completed and filed a response in opposition to motion for *ex parte* and *in camera* proceedings in a capital post-conviction relief action (*William O. Dickerson*); prepared and filed an appearance of counsel and a response to the suggestion of death and recommendation on how the case should proceed, at the direction of the Fourth Circuit Court of Appeals, in a federal habeas action (*Robert Samuel Eakes*); prepared and filed a return and memorandum of law in support of motion for summary judgment in another federal habeas action (*Alonzo M. Jenkins*); prepared

and filed a response to second motion to appoint counsel in another federal habeas action (*Leroy Folkes*); traveled to Florence County to review exhibits in preparation of a five (5) issue initial brief of respondent which was completed and served on July 3, 2013 in another non-capital murder direct appeal (which was on fourth extension with this Court) (*David G. Johnson*); and prepared and filed a response to motion to amend in another federal habeas action (*Charles Richey*). Counsel is also presently working on completing initial briefs of respondent in two other non-capital murder direct appeals pending in this Court and also on multiple extensions (*Fred Madden; Alexander Hunsberger*).

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. However, counsel for Respondent has completed a substantial amount of work in preparation for drafting the brief. Counsel intends to complete the brief after the completion of the *Fred Madden* and *Alexander Hunsberger* briefs. Undersigned counsel is working diligently to reduce the number of extensions in all assigned cases.

3. This is the fourth request for an extension of time in which to file a response. Due to the work already completed in this matter, it is anticipated that the brief will be filed within the time requested in this extension.

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,

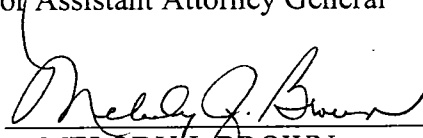
ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

MELODY J. BROWN
Senior Assistant Attorney General

BY:

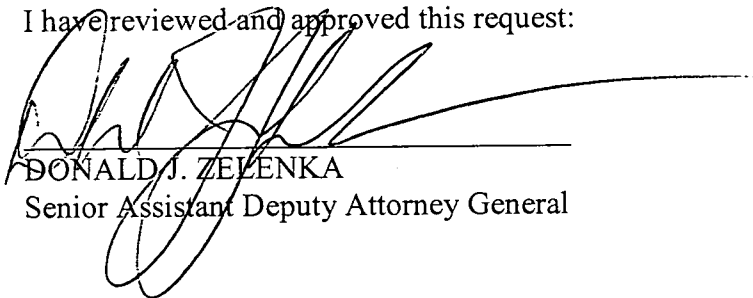

MELODY J. BROWN
S.C. Bar No. 14244

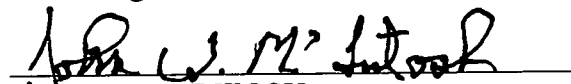
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3742

July 8, 2013.
Columbia, South Carolina.

ATTORNEYS FOR RESPONDENT

I have reviewed and approved this request:


DONALD J. ZELENKA
Senior Assistant Deputy Attorney General


JOHN W. McINTOSH
Chief Deputy Attorney General

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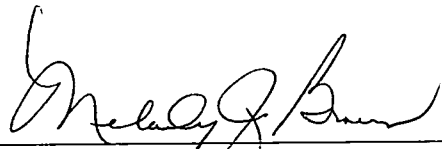
Appellate Case No.: 2012-207290.

PROOF OF SERVICE

I, Melody J. Brown, certify that I have served Respondent's Motion for a Fourth 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 8th day of July, 2013.



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

Office of Attorney General
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ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

July 8, 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

Dear Ms. Kitchings:

Enclosed please find for filing in the above referenced direct appeal matter the original and one (1) copy of Respondent's Motion for Fourth Extension of Time to file Initial Brief of Respondent and Designation of Matter with a Proof of Service.

Thank you for your assistance in this matter.

Sincerely,

Melody J. Brown
Senior Assistant Attorney General

MJB/mv

cc: Kathrine H. Hudgins, Appellate Defense

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SC Court of Appeals