

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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JUL 31 2013

Appeal from Florence County
William H. Seals, Jr., Circuit Court Judge

S.C. Supreme Court

Appellate Case No. 2012-211593

STATE OF SOUTH CAROLINA,

Respondent,

v.

TAVARIO D. BRUNSON,

Appellant.

**MOTION TO ENLARGE TIME FOR FILING
INITIAL BRIEF OF RESPONDENT AND
DESIGNATION OF MATTER**

The Respondent, above-named, hereby make a second motion to this Court to extend the time for filing the Initial Brief of Respondent and Designation of Matter until August 28, 2013. This request is due to the length of the record on appeal, intervening business and unexpected events in state and federal court. Particularly, the intervening matter of State v. Greg Isaac, an interlocutory "Stand Your Ground Appeal" had a court-ordered expedited response to Brief of Appellant received on July 17, 2013 and the court ordered briefing was due and filed by below-signed counsel on July 19, 2013.

I.

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SC Court of Appeals

The Priorities

Respondents have reviewed the matters and establish the following priorities for the next thirty days if this extension request is granted absent extraordinary intervening events:

1. Charles C. Williams v. State - Death Penalty PCR Post-Hearing Briefing - Judge Welmaker.
3. State v. Reginald Canty (5th Extension requested to August 6, 2013).
4. State v. Daniel Jackson (3rd extension requested to August 6, 2013).
5. State v. Damien Inman - IBOR - requested to August 12, 2013 (3rd extension).



Respondents below-signed counsel is confident that these priorities can be met absent unexpected extraordinary circumstances and utilization of evenings and weekend work without further extension requests. The Petitioner is actively working on the Initial Brief in State v. Canty and fully expects it to be filed in advance of the requested date of August 6. Further, the Post-hearing Memorandum is the highest priority and counsel has been working on this matter which is presently in excess of 100 pages.

II.

The Past Time Period

This request is due to Respondents' below-signed counsel have been involved in numerous litigation in both state and federal court during this time period which has prevented the completion of this brief in a sufficient and timely manner: Charles Williams v. State, death penalty PCR post-hearing memorandum of law: Steven McClain v. Warden -federal habeas return and memorandum - filed June 27, 2013; Lisa Ramirez v. Warden - federal habeas corpus return and memorandum - filed July 8, 2013; Albert Scruggs v. Warden - Return to Amended

Habeas Petition - federal court ordered - filed July 15, 2013; State v. Greg Isaac - Interlocutory Stand Your Ground Appeal - court-ordered expedited response to Brief of Appellant received on July 17, 2013 - court ordered briefing due and filed by below-signed counsel on July 19, 2013. Gary W. Presley v. Detention Center - federal habeas action - court-ordered Return - filed July 24, 2013; Gary W. Presley v. Detention Center - federal habeas action - opposition to summary judgment - filed July 22, 2013.

The Next Thirty Days

Respondent currently has due in the next thirty days the following: Charles Williams v. State, death penalty PCR post-hearing memorandum of law; State v. Reginald Canty (5th Extension to August 6, 2013); State v. Daniel Jackson (4th extension to August 6, 2013). State v. Victor White, Initial Brief of Respondent - August 9, 2013 (2nd extension); State v. Lamar Williams, Initial Brief of Respondent (3rd extension) - August 12, 2013; State v. Damien Inman - IBOR - (3rd Extension to August 12, 2013; Marcellus Knuckles v. Warden - federal habeas corpus response and memorandum of law - due August 14, 2013; State v. Sydney Hursey - Initial Brief of Respondent - due August 14, 2013 (one extension); Ismail Cruz v. Warden - federal habeas corpus response and memorandum of law - August 16, 2013); State v. Tavario Brunson - initial Brief of Respondent requested August 28, 2013 (2nd extension).

II.

Counsel has contacted the office of opposing counsel Susan Hackett and been advised that they consent to these requests.

III.

Wherefore Respondents respectfully request an extension of a period of thirty days up to

and including August 28, 2013 to complete this Initial Brief of Respondent.

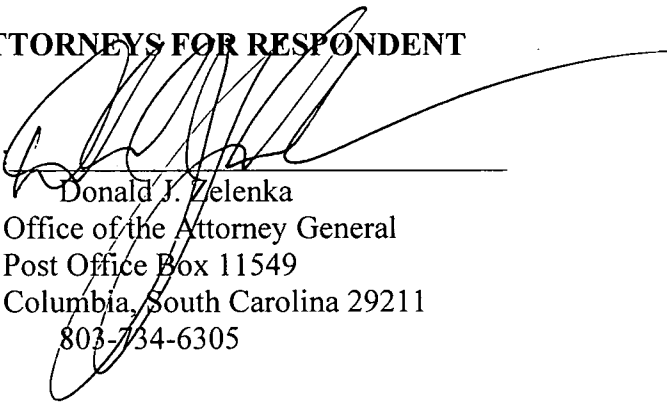
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

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CERTIFICATE OF SERVICE

I, Donald J. Zelenka, hereby certify that I have served Respondents **Motion to Enlarge**

Time for Filing Initial Brief of Respondent on:

Susan B. Hackett, Esquire
Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201

by depositing a copy in the InterAgency Mail this 29th day of July, 2013.



DONALD J. ZELENKA
Senior Assistant Deputy Attorney General