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Mar 22 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Aiken County
The Honorable Courtney C. Pope, Circuit Court Judge

THE STATE,

Respondent,

v.

TIMOTHY F. GREEN,

Appellant.

Appellate Case No. 2023-000961

**MOTION FOR 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 serve and file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. Opposing counsel has graciously consented to this motion. In support of this motion, counsel would respectfully show the Court the following:

The Respondent's Initial Brief and Designation of matter are due today, March 22, 2024, according to this Court's Order dated February 22, 2024, granting Respondent's second extension request. The undersigned attorney for the Respondent, however, has had a number of state and federal matters to attend since February 22, 2024. Specifically, counsel has prepared and submitted a proposed order of dismissal in a PCR matter and also reviewed and submitted argument on proposed changes (*Jeremy Watson*); prepared and attended a status and scheduling conference in a capital PCR matter, and also continued in hearing preparation for a June hearing

on intellectual disability (*Bobby Wayne Stone*); prepared for and presented oral argument in a non-capital PCR appeal in this Court (*Jerald Gaskins*); reviewed a state's appeal pending in this Court (*Michael Hutson*); prepared and filed a motion to reconsider a discovery order in a general sessions motion for a new trial, and reply to the response in opposition, and also prepared and filed a motion to stay time limits and a proposed order granting the State's motion to stay time limits of the discovery order (*Charles Wakefield*); reviewed and added to an initial brief of respondent filed in this Court in another non-capital murder direct appeal (*Brian Redding*); prepared and filed a reply to the response in opposition to the Warden's motion to strike in a capital federal habeas action (*William Dickerson*); prepared and filed a motion to dismiss due to inmate's death in a non-capital federal habeas action (*Trey Brown*); prepared and filed a supplement to reply in a non-capital federal habeas corpus action (*James McClurkin*); prepared and filed several returns in non-capital PCR actions (*Tristan Cummings; Jahru Smith; Matthew Bryan; Vernon Jordan; Ronald Downs; Bradford Williams*); and returns with motions to dismiss and proposed conditional orders in two others (*Patrick Scott; Quasean Marshall*); along with a motion to strike substantive matters by one of the applicants listed who is currently represented by counsel (*Jahru Smith*). Respondent also completed a draft of a proposed order of dismissal in another non-capital PCR action and submitted same to opposing counsel for initial review prior to submission to the PCR judge (*Jakobe German*); completed and file a return to a petition for writ of certiorari in a non-capital murder direct appeal in the Supreme Court of South Carolina (*Rashawn Little*); Prepared and filed an Emergency Motion for Temporary Stay of Proceedings and Petition for Extraordinary Relief in the Original Jurisdiction with the Supreme Court of South Carolina (*Charles Wakefield*); and prepared and filed a Return to Petition for Writ of

Certiorari in a capital murder post-conviction relief matter in the Supreme Court of South Carolina (*James Robertson*).

Due to counsel's involvement in these and other matters, counsel is unable to timely complete the Initial Brief of Respondent and Designation of Matter.

WHEREFORE, counsel respectfully requests a 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

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General
S.C. Bar No: 14244

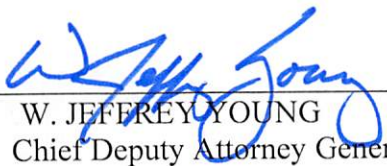
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

s/Melody J. Brown

By: _____
MELODY J. BROWN
ATTORNEYS FOR RESPONDENT

March 22, 2024.

I support the finding of good cause.

By:  _____
W. JEFFREY YOUNG
Chief Deputy Attorney General

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PROOF OF SERVICE

I, Angela Brown, am an employee of the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion for Extension Time, and Certificate of Service has been forwarded to Appellant's counsel, J. Falkner Wilkes, Esquire via email today, March 22, 2024 to jfalknerwilkes@gmail.com.

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

This 22nd day of March, 2024.

s/ Angela Brown

Angela Brown, Assistant to
Melody J. Brown
Senior Assistant Deputy Attorney General