

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. This is a Fourth request for extension. 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, Monday, April 22, 2024. The undersigned attorney for the Respondent, however, has had a number of state and federal matters to attend over the past 30 days. Specifically, counsel completed a proposed listing of documents for a Joint Appendix for a capital case on appeal in the Fourth Circuit Court of Appeals following the denial of federal habeas corpus relief (*Stephen Corey Bryant, March 25, 2024*); completed and filed a Brief of Petitioner in this Court in a non-capital post-conviction

relief action appeal (*Willie Williams, March 28, 2024*); prepared a motion to seal in a capital federal habeas corpus action and submitted motion and exhibits to chambers on *March 29, 2024*, then filed the motion on *April 1, 2024 (Andre Torres)*; consulted with Deputy General Counsel for the Department of Disabilities and Special Needs concerning possible additional evaluation in a pending capital post-conviction relief action then reported information to the state circuit court and counsel (*Anthony Woods, April 2, 2024*); completed and filed with this Court an initial brief of appellant in a non-capital murder direct appeal (*Jaylen Bell, April 3, 2024*); on *April 11, 2024*, completed review of documents and prepared, filed, and served responses to discovery order issued in a Rule 29(b), SCRCrimP motion for a new trial proceeding, then on *April 12, 2024*, completed a letter to counsel providing a document not covered by discovery order in anticipation of a hearing on the motion, and further, on *April 15, 2024*, prepared and submitted a supplement to the reply in a pending Supreme Court of South Carolina original jurisdiction action regarding the same matter, then on *April 16, 2024*, completed and submitted a Response to Motions to Preserve Files and Evidence and a Motion for Hearing Prior to Disclosure After Assertion of Privilege and/or Exemption and completed a second letter providing documents not covered by the discovery order in anticipation of hearing on the motion, and also and also supplemented documents sent to the circuit court on *April 17, 2024*, all in one related to one case (*Charles Wakefield*); prepared and filed in the Fourth Circuit Court of Appeals a response withhold consent to file an amicus brief offered in an appeal from denial of federal habeas corpus relief (*Stephen Corey Bryant, April 16, 2024*); completed and filed in this Court a Brief of Petitioner in a non-capital post-conviction relief action appeal (*Oshaun Robinson*); on *April 19, 2024*, reviewed pending post-conviction relief application and prepared a letter advising of the filing of an application and requesting a day and time for appointment of counsel hearing in a

capital post-conviction relief case and then on *April 22, 2022*, prepared a letter to request transportation of the inmate to a hearing set for this week (*Timothy Ray Jones, Jr.*); completed and filed a response in opposition to motion for leave to file a memorandum of law in a capital case in federal habeas corpus (*Andres Torres*); and continues to aid in the identification and preparation of cases for a roster to set the May 13-17, 2024, term of court to hear non-capital post-conviction relief actions in Greenville, South Carolina, and coordinate assignment of those case. Additionally, counsel is currently working on a motion to strike material submitted in another capital case in federal habeas corpus (*William Dickerson*); and completing the editing a Brief of Respondent in another post-conviction relief action appeal for filing today with this Court (*Jason Black*).

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.

This request is made in good faith, and not for the purposes of delay.

WHEREFORE, counsel respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter.

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

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April 22, 2024

By: 
MELODY J. BROWN
ATTORNEYS FOR RESPONDENT

I support the finding of good cause:

By: 
DONALD J. ZELENKA
Deputy Attorney General

I support the finding of good cause:

By: 
W. JEFFREY YOUNG
Chief Deputy Attorney General

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Apr 22 2024

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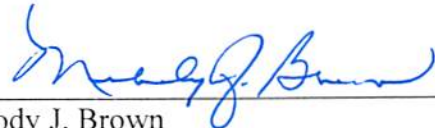
TIMOTHY F. GREEN,

Appellant.

Appellate Case No. 2023-000961

PROOF OF SERVICE

The undersigned hereby certifies 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, April 22, 2024 to jfalknerwilkes@gmail.com.



Melody J. Brown
Senior Assistant Deputy Attorney General