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May 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. This is a Fifth request for extension. Opposing counsel has graciously consented to this motion. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of matter are due today, Wednesday, May 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. These included the following: prepared and filed a response in opposition to motion for leave to file memorandum in a capital federal habeas corpus action (*Andres Torres, April 22, 2024*); edited, completed and filed a brief of respondent in a post-conviction relief action appeal (*Jason Black, April 22, 2024*); completed and filed the

return in a capital post-conviction relief action, and attended a hearing the following day in Sumter, South Carolina, to address appointment of counsel (*Timothy Ray Jones, April 25 and 26, 2024*); prepared, and submitted for filing, a return and motion to dismiss, along with a proposed conditional order of dismissal in non-capital post-conviction relief action (*John Mills, April 29, 2024*); prepared and filed a reply to response to motion for summary judgment in a federal habeas corpus action (*Brandon Adams, April 29, 2024*); completed and sent out the roster to set the May 13-17, 2024, term of court to hear non-capital post-conviction relief actions in Greenville, South Carolina, and also attended a day of hearings (*May 16, 2024*); prepared and submitted a proposed scheduling order in a capital post-conviction relief case (*Timothy Ray Jones, May 6, 2024*); prepared for and presented oral argument in this Court in a murder direct appeal (*Nathaniel Rowland, May 7, 2024*); prepared for and participated in an extensive status conference in a new trial motion matter (*Charles Wakefield, May 14, 2024*); prepared and filed status reports in three capital federal habeas corpus actions (*James Robertson; Anthony Woods and Bobby Stone, May 15, 2024*); prepared and filed a return in opposition to motion for an appeal bond (*James Johnson, May 16, 2024*); prepared and submitted motion for formal orders and two proposed orders regarding directed discovery, (*May 17, 2024*), and also attended mandatory extended informal conference on same in Greenville, South Carolina, in the above referenced new trial matter (*Charles Wakefield, May 21, 2024*); and, is currently preparing for oral argument in our Supreme Court in a non-capital post-conviction relief appeal (*Justin Cone, May 23, 2024*).

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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By: 
MELODY J. BROWN
ATTORNEYS FOR RESPONDENT

May 22, 2024

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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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, May 22, 2024 to jfalknerwilkes@gmail.com.



Melody J. Brown
Senior Assistant Deputy Attorney General

From: [Angela Brown](#)
To: ["jfalknerwilkes@gmail.com"](mailto:jfalknerwilkes@gmail.com)
Cc: [Melody Brown](#)
Subject: The State v. Timothy Green (2023-000961)
Date: Wednesday, May 22, 2024 4:03:00 PM
Attachments: [image001.png](#)
[Green, Timothy - Motion for Extension of Time for IBOR - May 22, 2024 \(03586476xD2C78\).PDF](#)

Mr. Wilkes, please find attached the State's Motion for Additional Time to prepare the Initial Brief of Respondent and Designation of Matter in the above referenced appeal which will be filed with the Court of Appeals on today's date. The required signatures for the Deputy AG and Chief Deputy AG are blank as they are both out of the office this afternoon. We will supplement the motion tomorrow to show all signatures.

Thank you,
Angela Bennett Brown, Administrative Coordinator II
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