

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**

Undersigned counsel for Respondent 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 Sixth 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 to be served and filed, Friday 21, 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: counsel prepared for and presented oral argument in the Supreme Court of South Carolina in a non-capital post-conviction relief appeal (*Justin Cone, May 23, 2024*); reviewed and filed the final brief of respondent in murder direct appeal (*Jaylen Bell, May 23, 2024*); completed and submitted proposed final orders of dismissal in two PCR actions (*Patrick Scott and Quasean*

Marshall, May 29, 2024); prepared and submitted for filing a response in opposition to motion to proceed *ex parte* in funding matters in a capital PCR action (*Anthony Woods, May 31, 2024*); completed and filed a reply to response in opposition to respondent's motion for summary judgment in a capital federal habeas (*William Dickerson, May 31, 2024*), and also completed and filed a motion to strike in that same case (*June 1, 2024*); prepared and filed a return and memorandum of law in support of summary judgment in a non-capital federal habeas corpus action (*Antonio Tate, June 6, 2024*); prepared and filed a response in opposition to motion to disqualify solicitor in a new trial motion pending in Greenville County (*Charles Wakefield, June 10, 2024*); prepared letter explanation (with attachments) and served multiple attorneys with a federal district court order directing action be taken in a pending PCR appeal matter (*Carnie Norris, June 7, 2024*); prepared and filed a response in opposition to motion to amend in a federal habeas corpus action (*Terrell McCoy, June 11, 2024*); prepared for and presented argument opposing *ex parte* funding procedure in a capital PCR action (*John Richard Wood, June 13, 2024*); completed and filed an initial brief of respondent in a murder direct appeal (*Maurice Singleton, June 14, 2024*); prepared and file a return to petition for writ of certiorari from dismissal of an interlocutory appeal (*John Erb, June 17, 2024*); and, prepared a proposed final order of dismissal in a PCR action (*Bobby Barton, June 18, 2024*). Further, counsel is aiding in preparation for two hearings on intellectual disability in capital PCR actions (*Gary Terry* (scheduled for July 14, 2024) and *Bobby Wayne Stone* (scheduled for July 29, 2024), and also working on a brief for the Fourth Circuit Court of Appeals in a capital federal habeas action on appeal (*Stephen Corey Bryant*).

Due to counsel's involvement in these and other matters pending in state and federal court and considering counsel's administrative responsibilities as supervisor for murder appeals,

federal habeas corpus actions and capital litigation, counsel has been unable to timely complete the Initial Brief of Respondent and Designation of Matter in this proceeding and would request a thirty (30) day extension within which to do so.

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.

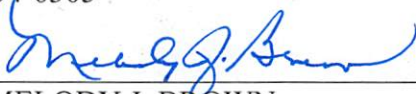
Respectfully Submitted,

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

¹⁹
June 18, 2024

I support the finding of good cause:

By: 
DONALD J. ZELENKA
Deputy Attorney General

Attorney Chief

I support the finding of good cause:

By: _____
W. JEFFREY YOUNG
Chief Deputy Attorney General

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Jun 19 2024

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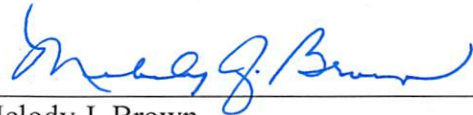
TIMOTHY F. GREEN,

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, June 19, 2024 to jfalknerwilkes@gmail.com.



Melody J. Brown
Senior Assistant Deputy Attorney General

Donna D'Alessio

From: Donna D'Alessio
Sent: Wednesday, June 19, 2024 9:49 AM
To: 'jfalknerwilkes@gmail.com'
Subject: Green, Timothy F - Appellate Case No. 2023-000961 - Motion for Sixth Extension of Time to file Initial Brief of Respondent
Attachments: Green, Timothy F. - Appellate Case No. 2023-000961 - Sixth Motion for Extension of time to file IBOR 6-19-24 (03610211xD2C78).pdf

Dear Mr. Wilkes:

Attached is the respondent's Sixth Motion for Extension of Time to File Initial Brief of Respondent regarding the above matter.

Thank you.

Donna D'Alessio,
Legal Assistant
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