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Jul 19 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
The Honorable Perry H. Gravely, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

ROBERT LEE BELCHER, III,

APPELLANT.

Appellate Case No. 2023-001378

**MOTION FOR THIRD EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a THIRD thirty (30) day extension in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. Counsel for Appellant has graciously consented to extension requests through July 31, 2024. In support of this motion, counsel would respectfully show the Court the following circumstances:

Respondent's Initial Brief and Designation of Matter is due to be filed today, July 19, 2024. The undersigned attorney has had a number of state, and federal matters to attend to since June 19, 2024, including in several capital cases in various stages of litigation. Counsel notes the following work: reviewed and edited the return to the amended PCR application in a capital PCR action (*Norman Starnes, review completed June 28, 2024*); prepared and filed a status report in a pending non-capital federal habeas corpus action (*Carnie Norris, July 1, 2024*); prepared and

submitted a proposed final order of dismissal in a non-capital PCR action (*Marcus Watts, July 10, 2024*); prepared returns and motions to dismiss and proposed conditional orders of dismissal in four other non-capital PCR actions (*Ryan Irby, June 24, 2024; Charles Williams, July 2, 2024; Benjamin Case, July 2, 2024; Keith Desue, July 15, 2024*); reviewed and edited the final brief of respondent in a non-capital murder direct appeal (*Channon Preston, July 8, 2024*); completed gathering substitutes for state court records and filed privileged matters *ex parte* and under seal in a capital federal habeas corpus action (*William Dickerson, July 9, 2024*); completed and filed a response brief in a capital case federal habeas action appeal in the Fourth Circuit (*Stephen Corey Bryant, July 10, 2024*); completed and file status reports in two capital case federal habeas actions (*James Robertson, July 15, 2024; Anthony Woods, July 15, 2024*); completed and filed in the federal district court a response to motion to stay execution in a capital case (*Stephen Stanko, July 15, 2024*); drafted and submitted letter responses to additional authority letters in two PCR capital cases (*Timothy Jones, July 15, 2024; John Richard Wood, July 15, 2024*); participated in a status conference in another capital PCR case (*Alkebulanyahh v. State, July 15, 2024*); and, prepared and filed a pre-trial brief then participated in a capital PCR hearing held *July 17-18, 2024* in the Lexington County Courthouse on a claim of intellectual disability, and also prepared and submitted a short order for post-hearing briefing (*Gary Terry*). Additionally, counsel is aiding in preparation for another hearing on a claim of intellectual disability in a separate capital PCR action (*Bobby Wayne Stone (scheduled for July 29, 2024)*).

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, undersigned counsel has been unable to

timely complete the Return 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 purpose of delay.

WHEREFORE, based on the foregoing, counsel for Respondent respectfully requests this Court allow the motion for extension to be filed out of time and to grant a thirty (30) day extension of time to serve and file the Return in this matter.


Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

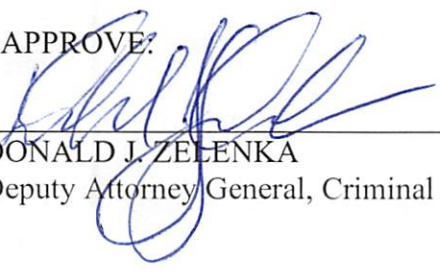
MELODY J. BROWN
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By: 
MELODY J. BROWN
ATTORNEYS FOR RESPONDENT

July 19, 2024

I APPROVE:


DONALD J. ZELENKA
Deputy Attorney General, Criminal Division

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Appellate Case No. 2023-001378

PROOF OF SERVICE

I, **Donna D'Alessio**, an employee of the Respondent and legal assistant to Melody J. Brown, Esq., of counsel for the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Third Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Lara M. Caudy, Esq., via email today, July 19, 2024 to lcaudy@sccid.sc.gov and to her assistant at smcinnis@sccid.sc.gov.

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

This 19th day of July, 2024.

s/ Donna D'Alessio

Donna D'Alessio, Legal Assistant to
Melody J. Brown,
Senior Assistant Deputy Attorney General
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Donna D'Alessio

From: Donna D'Alessio
Sent: Friday, July 19, 2024 2:32 PM
To: lcaudy@sccid.sc.gov; Mcinnis, Sara
Subject: Belcher, Robert Lee, III - Appellate Case No. 2023-001378 - Motion for Third Extension of Time to file Initial Brief of Respondent
Attachments: Belcher, Robert Lee, III - Appellate Case No. 2023-001378 - Motion for Third Extension of Time to file IBOR 7-19-24 (03639347xD2C78).pdf

Dear Counsel:

Attached is a Motion for a Third Extension of Time to File Initial Brief of Respondent and Designation of Matter regarding the above matter. Same will be filed with the South Carolina Court of Appeals today, July 19, 2024.

Thank you.

Donna D'Alessio,
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