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Aug 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,

Appellant.

Appellate Case No. 2023-001378

**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 all extension requests through August 31, 2024. 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, August 19, 2024, according to this Court's Order dated July 22, 2024, granting Respondent's third extension request. The undersigned attorney for the Respondent, however, has had a number of state and federal matters to attend since July 22, 2024. Notably, counsel has: prepared and filed a response to motion to expand the record in a federal habeas corpus action (*Bennie Mitchell, July 22, 2024*); prepared for and participated in a status conference regarding a pending new trial motion

after issuance of a South Carolina Supreme Court opinion restricting scope of the proceedings (*Charles Wakefield, July 25, 2024*); prepared and filed a motion to hold matters in abeyance (*July 29, 2024*) and a Response to Rule to Show Cause (*July 31, 2024*) in another federal habeas corpus action (*Jerome Curry*); prepared and submitted a pre-trial brief then participated in a capital PCR hearing on a claim of intellectual disability held *July 30-31, 2024* in the Sumter County Courthouse (*Bobby Wayne Stone*); prepared and filed a status report in another non-capital federal habeas corpus action (*Carnie Norris, August 1, 2024*); consulted with opposing counsel and agreed to substitution of an exhibit for a murder direct appeal in this Court (*Kierin Dennis, completed August 2, 2024*); prepared and filed a notice regarding similar case/pending issues for a capital case Fourth Circuit Court of Appeals federal habeas corpus appeal (*Stephen Corey Bryant, August 2, 2024*); prepared and filed a reply to response in opposition to motion for summary judgment in a non-capital federal habeas corpus action (*Marion Frye, August 2, 2024*); reviewed and edited the final brief of respondent in a non-capital murder direct appeal (*Maurice Singleton, August 5, 2024*); prepared and filed a motion to strike improper record on appeal and compel that filing of a record with matter as designated in a pending appeal in this Court (*Robert Earl Dillard, August 5, 2024*); prepared and filed Motions for Summary Judgment and Returns and Memorandum to Motion in two non-capital federal habeas corpus actions (*Curtis Elgin, August 5, 2024, Mark Blake, Jr., August 13, 2024*); consulted with opposing counsel and prepared a brief status report via email in a capital PCR action (*Timothy Jones, August 12, 2024*); prepared and filed a Response in Opposition to Motion for Relief from Final Judgment in a non-capital federal habeas corpus action (*Derrick Cheeks, August 15, 2024*); and prepared and filed a Petition for Rehearing in a murder direct appeal (*Sebastian Kaisk, August 15, 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, counsel has been 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

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By: 
MELODY J. BROWN
ATTORNEYS FOR RESPONDENT

August 19, 2024

I support the finding of good cause.

By: 
DONALD J. ZELENKA
Deputy Attorney General

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PROOF OF SERVICE

I 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, Lara M. Caudy, Esquire, via email today, August 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 August, 2024.

s/ Donna D'Alessio

Legal Assistant to
Melody J. Brown
Senior Assistant Deputy Attorney General