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Sep 18 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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

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THE STATE,

Respondent,

v.

ROBERT LEE BELCHER,

Appellant.

Appellate Case No. 2023-001378

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

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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 September 30, 2024. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of matter are due today, September 18, 2024, according to this Court's Order dated August 26, 2024, granting Respondent's fourth extension request. The undersigned attorney for the Respondent, however, has had a number of state and federal matters to attend since August 19, 2024, most notably in capital cases. A review of the calendar details that counsel has since the prior extension: prepared and filed a response in opposition to motion to direct or stay the issuance of execution dates at intervals of no less than

13 weeks (*Richard Moore et al.*, August 26, 2024); prepared and filed an expedited<sup>1</sup> return to the petition to construe or clarify (power of attorney for election of execution method) (*Freddie Owens*, August 28, 2024); prepared and filed a reply to objections to report and recommendation in a federal habeas corpus action (*Odom Bryant*, August 29, 2024); prepared and filed a status report in a federal habeas corpus action (*Carnie Norris*, August 30, 2024); prepared and filed an expedited response in opposition to motion for stay of execution (*Freddie Owens*, September 5, 2024); prepared and filed a motion for summary judgment and return and memorandum in a non-capital federal habeas corpus action (*Derek Maner*, September 9, 2024); prepared and filed an expedited response in opposition to second motion to stay the execution and a return to the petition for writ of habeas corpus in the original jurisdiction of the Supreme Court (*Freddie Owens*, September 11, 2024); and prepared and filed status reports in capital cases stayed in the federal district court (*Anthony Woods*, September 13, 2023; *Bayan Aleskey and James Roberts*, September 16, 2024). Counsel has also completed substantial work on a return in a capital federal habeas corpus action which was extended for completion of the expedited matters in the Supreme Court of South Carolina and is currently due today, on September 18, 2024 (*Andres Torres*). Counsel has also completed much work in this case, including reviewing transcripts and researching the relevant cases to include in briefing. Respondent is attempting to calendar time to complete the brief after September 20, 2024, and will make that a priority given the number of extensions requested.

However, 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

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<sup>1</sup> Mr. Owens's execution is scheduled for Friday, September 20, 2024.

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.

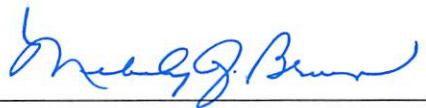
Respectfully Submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

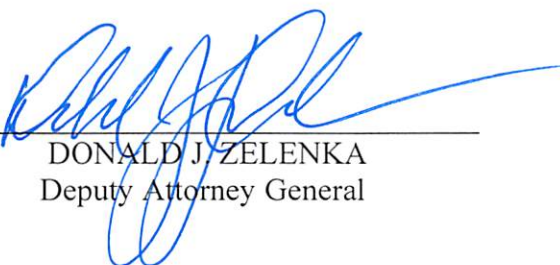
MELODY J. BROWN  
Senior Assistant Deputy Attorney General  
S.C. Bar No: 14244

Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

By:   
MELODY J. BROWN  
ATTORNEYS FOR RESPONDENT

September 18, 2024

I support the finding of good cause.

By:   
DONALD J. ZELENKA  
Deputy Attorney General

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**PROOF OF SERVICE**

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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, September 18, 2024 to [LCaudy@sccid.sc.gov](mailto:LCaudy@sccid.sc.gov) and to her assistant at [SMcinnis@sccid.sc.gov](mailto:SMcinnis@sccid.sc.gov).

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

This 18<sup>th</sup> day of September, 2024.

*s/ Angela Brown*

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

## Angela Brown

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**To:** Lara Caudy (lcaudy@sccid.sc.gov); Mcinnis, Sara  
**Cc:** Melody Brown  
**Subject:** Belcher, Robert - Motion for Extension for IBOR  
**Attachments:** Belcher, Robert - Motion for Extension for IBOR.pdf

Ms. Caudy, please find attached the state's motion for extension of time to serve and file the Initial Brief of Respondent and Designation of Matter in the above referenced appeal. The motion will be electronically filed with the SC Supreme Court on today's date.

Thank you,  
**Angela Bennett Brown, Administrative Coordinator II**  
Office of the South Carolina Attorney General  
Criminal Division | Office [803-734-0368](tel:803-734-0368) | [Abennett@scag.gov](mailto:Abennett@scag.gov)  
P.O. Box 11549 | Columbia, SC 29211



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