

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
The Honorable J.C. Nicholson, Jr., Circuit Court Judge
Appellate Case No. 2011-201486

THE STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

DERELL GREEN,

APPELLANT. **RECEIVED**
SEP 11 2013

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

SC Court of Appeals

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Initial Brief of Respondent in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief is due today, September 11, 2013, upon this Court's grant of Respondent's first request for an extension filed on October 11, 2013.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend to since August 12, 2013. Specifically, Counsel has spent a significant amount of time reviewing the files and drafting significant portions of the Returns and Memoranda of Law in Support of Motions for Summary Judgment in Booker T. McKenney, Jr., #325168 vs. Warden, Leroy Cartledge, C/A

No. 8:13-1875-JMC-JDA; Shirley Ann Edwards, #221579 vs. Warden Leath Correctional Institution, C/A No. 1:13-1232-RMG-SVH; John Henry vs. Warden of Perry Correctional Institution, C/A No. 4:13-1868-MGL-TER; Quincy Maurice Nash vs. Leroy Cartledge, C/A No. 8:13-2019-CMC-JDA; and Dwight Jones, a/k/a Dwight F. Jones, #302436 vs. Warden, Leroy Cartledge, C/A No. 1:13-720-DCN-SVH, all federal habeas actions pending before the United States District Court for the District of South Carolina. Two of those returns and memoranda of law are being filed within the next six days.

Counsel prepared and filed the Final Brief of Respondent in State vs. Julian Deandre Battle, a direct appeal in a Greenville County murder case pending before the South Carolina Court of Appeals. Counsel also prepared and filed a Motion to Dismiss Appeal in State vs. Terry Dean Gregory, an appeal in a Greenville County murder case pending before the South Carolina Supreme Court. Counsel also prepared and filed a Motion to Dismiss Appeal in State v. Jerome Miller, an appeal in Beaufort County murder case pending before this Court.

Counsel has reviewed the transcript of record and has conducted some research in preparation for drafting the Initial Brief of Respondent in this case. However, due to undersigned counsel's involvement in these and other matters pending in state and federal court, counsel is unable to timely complete the initial brief of respondent in this proceeding. Specifically, counsel needs additional time to complete his research and argument. Thus, counsel is requesting an

extension of time in which to file the Return in this matter. This request is made in good faith, and not for the purposes of delay.

WHEREFORE, premises considered, counsel hereby 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

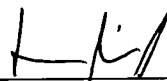
JOHN W. MCINTOSH
Deputy Attorney General

DONALD J. ZELENKA
Assistant Deputy Attorney General

ALPHONSO SIMON, JR.
Assistant Attorney General
Bar No. 74713

Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

BY:



ALPHONSO SIMON, JR.
ATTORNEY FOR RESPONDENT

September 11, 2013.

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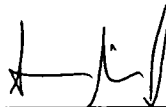
APPELLANT.

PROOF OF SERVICE

I, Alphonso Simon, Jr., of Counsel for the Respondent, certify that I have served two (2) copies of the within Motion for Second Extension to File Initial Brief of Respondent and Designation of Matter via U.S. mail to his attorney of record, Robert M . Dudek, Chief Appellate Defender, Division of Appellate Defense, PO Box 11589, Columbia, S.C. 29211.

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

This 11th day of September, 2013.



ALPHONSO SIMON, JR.
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6307

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SC Court of Appeals



ALAN WILSON
ATTORNEY GENERAL

September 11, 2013

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: *State v. Derell Green*
Appeal from Charleston County
Appellate Case No. 2011-201486

Dear Ms. Kitchings:

I hereby request an extension of thirty (30) days in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. The Initial Brief is currently due to be served and filed today, September 11, 2013. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Initial Brief.

Therefore, I am enclosing an original and six (6) copies of a Motion for Second Extension to File Initial Brief of Respondent and Designation of Matter. I am informing opposing counsel of my request by copy of this letter.

Sincerely,

Alphonso Simon, Jr.,
Assistant Attorney General

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SEP 11 2013

SC Court of Appeals

AS/mv
Enclosures

cc: Robert M. Dudek, Chief Appellate Defender (w/two copies of encls.)