

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**

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 October 31, 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, October 18, 2024, according to this Court's Order dated September 24, 2024, granting Respondent's fifth extension request. The undersigned attorney for Respondent, however, has had a number of state and federal matters to attend since the last extension, most notably in capital cases. In particular, counsel has in the last thirty days: prepared and filed a return with memorandum of law in support of motion for summary judgment, and also filed a motion to strike materials outside the state court records

and any arguments and references to same in petitioner's filings, in a capital federal habeas corpus action (*Andres Torres, September 18, 2024*); prepared and filed a return to motion for reconsideration of petitioner's second motion for stay of execution (*Freddie Owens, September 19, 2024*); prepared and filed a response opposing authorization for successive 28 U.S.C. § 2254 action, and response in opposition for motion to stay execution, both in the Fourth Circuit Court of Appeals and expedited for response given the filings were made on the day of the scheduled execution¹ (*Freddie Owens, September 20, 2024*); prepared and filed a response in opposition to motion to stay proceedings in a non-capital federal habeas action and a reply to the petitioner's response in opposition to the respondent's motion for summary judgment (*Mark Lorenzo Blake, September 25, 2024*); prepared and filed an amended return in a capital federal habeas corpus action (*Andres Torres, September 26, 2024*); completed and filed a brief of petitioner in a post-conviction relief appeal (*Angelo Taylor, September 30, 2024*); prepared and filed a status report in a federal habeas corpus action (*Carnie Norris, October 1, 2024*); completed and filed a final brief of respondent in a non-capital murder direct appeal (*Timothy F. Green, October 1, 2024*); prepared and filed an updated status report in federal habeas actions showing petition for writ of certiorari in state PCR appeal was denied (*Carnie Norris, October 3, 2024*); aided in the drafting and preparation of a motion to reconsider denial of motion to supplement the record in a non-capital murder direct appeal (*Anthony Nicholas Argoe, October 3, 2024*); prepared for and presented oral argument in a non-capital murder direct appeal in this Court (*Charles Carmichael, October 9, 2024*); prepared for and completed a motion hearing and two evidentiary hearings in the Greenville County Courthouse in three Thirteenth Circuit PCR actions (*Jahru Smith; Mark Keys; Keldrekus*

¹ The execution was scheduled for September 20, 2024, and ultimately did take place on that day.

Oglesby, October 10, 2024); prepared for and participated in a telephone status conference in a pending non-capital federal habeas action previously stayed for completion of state remedies (*Carnie Norris, October 11, 2024*); prepared for a status conference and drafted a memorandum of law for submission to the court in a capital PCR action (*Jerry Buck Inman, October 17, 2024*); and prepared for and presented argument in a motion hearing in a new trial motion in the Greenville County Courthouse (*Charles Wakefield, October 25, 2024*). Further, counsel is currently working on a brief in opposition to a petition for writ of certiorari filed in the Supreme Court of the United States by a death-sentenced inmate (*Richard Bernard Moore*).²

Due to counsel's involvement in the above listed matters, and other matters pending in state and federal court not completed and listed, and also considering counsel's administrative responsibilities as supervisor for murder appeals, federal habeas corpus actions, capital litigation, and Thirteenth Circuit PCR actions and appeals, 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 purpose 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

² The execution is scheduled for Friday November 1, 2024.

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

s/Melody J. Brown

By: _____
MELODY J. BROWN
ATTORNEYS FOR RESPONDENT

October 18, 2024

I support the finding of good cause.

s/Donald J. Zelenka

By: _____
DONALD J. ZELENKA
Deputy Attorney General

I support the finding of good cause.

s/Donald J. Zelenka for

By: _____
W. JEFFREY YOUNG
Chief Deputy Attorney General

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

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, October 18, 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 18th day of October, 2024.

s/ Angela Brown

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

From: [Angela Brown](#)
To: [Lara Caudy \(lcaudy@sccid.sc.gov\)](mailto:lcaudy@sccid.sc.gov); [Mcinnis, Sara](#)
Cc: [Melody Brown](#)
Subject: The State v. Robert Belcher (2023-001378)
Attachments: [image001.png](#)
[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 Court of Appeals.

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
P.O. Box 11549 | Columbia, SC 29211



This email, together with any attachments, may be legally privileged. If you have received it in error, please notify the sender immediately, and then delete it from your system. This email and any replies to this email may be subject to disclosure under the Freedom of Information Act.