

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Orangeburg County
Diane Schafer Goodstein, Circuit Court Judge

The State of South Carolina,

Respondent,

v.

Romeo Brown,

Appellant.

Appellate Case No. 2012-212217

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

Respondent, the State, moves this Court for an additional ten (10) day extension of time in which to file the Initial Brief of Respondent and Designation of Matter. This is Respondent's third request for an extension of time in which to file the brief. In support of the request, undersigned counsel would respectfully show the Court:

1. Undersigned counsel for Respondent has been scheduled for a number of state and federal matters in the last thirty (30) days, that include, but are not limited to, the following: prepared and filed a brief in opposition in the Supreme Court of the United States in a capital case on collateral appeal (*Brad Sigmon*); prepared and filed a return and memorandum of law in support of motion for summary judgment in another federal habeas action (*Dominic Derricotte*); attended an *in camera* conference in Manning, South Carolina, regarding waiver and appointment of counsel in another death penalty collateral matter (*Quincy Allen*); prepared and filed a petition for

rehearing, and subsequently, a reply to the return to petition for rehearing, in the Supreme Court of South Carolina in a capital case on direct appeal (*Steven Barnes*); prepared and filed three (3) responsive pleadings to non-dispositive motions in another federal habeas matter (*Anthony Heyward*); aided in the preparation of a rule 59 motion in another capital collateral matter (*Kenneth Simmons*); prepared and filed a return and memorandum of law in support of motion for summary judgment, and a subsequent motion to supplement the record, in another federal habeas matter (*James Michael Baxley, Jr.*); prepared and filed a return and memorandum of law in support of motion for summary judgment in another federal habeas matter (*Kendall Green*); and, undersigned counsel has also been working to locate exhibits with opposing counsel on appeal in another capital case on appeal from the denial of post-conviction relief (*Stephen Corey Bryant*). Counsel has also attended several mandatory training sessions this week for new document storage software for the agency.

2. Due to her heavy case load, undersigned counsel for Respondent has not been able, in a timely fashion, to complete the initial brief in this appeal. Counsel has, however, completed review of the transcript, completed the necessary research, and has prepared a substantial portion of the brief. Consequently, counsel is requested only a limited additional extension. Counsel will continue to work diligently to complete the responsive brief.

3. This is the third request for an extension of time in which to file a response.

THEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of ten (10) days to complete the initial brief and designation of matter.

Respectfully submitted,

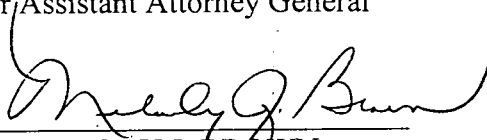
ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

MELODY J. BROWN
Senior Assistant Attorney General

BY:

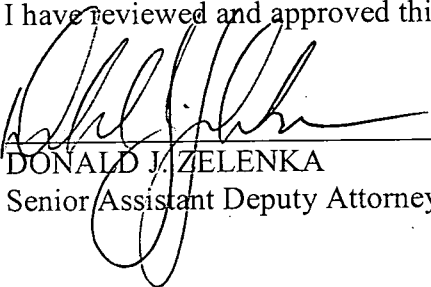

MELODY J. BROWN

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

November 15, 2013.
Columbia, South Carolina.

ATTORNEYS FOR RESPONDENT

I have reviewed and approved this request:


DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Orangeburg County
Thomas A. Russo, Circuit Court Judge

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SC Court of Appeals

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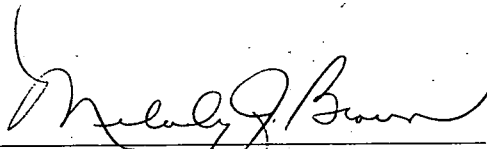
Appellate Case No. 2012-212217

PROOF OF SERVICE

I, Melody J. Brown, certify that I have served Respondent's Motion for a Third Extension of Time on counsel for Appellant, by depositing one copy of same in the United States mail, postage prepaid, to counsel for appellant, addressed as follows:

Kathrine H. Hudgins, Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

This 15th day of November, 2013.



MELODY J. BROWN

Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-6305

ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

November 15, 2013

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SC Court of Appeals

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

Re: The State v. Romeo Brown
Appeal from Orangeburg County
Appellate Case No. 2012-212217

Dear Ms. Kitchings:

Enclosed please find the original and one (1) copy of the Respondent's Motion for Third Extension of Time to file Initial Brief of Respondent and Designation of Matter, dated, together with a Proof of Service in the above-referenced matter.

Thank you for your assistance in this matter. Please call this office if you need any additional information.

Sincerely,

Melody J. Brown
Senior Assistant Attorney General

MJB/mv

Enclosures

cc: Kathrine H. Hudgins, Appellate Defender