



ALAN WILSON
ATTORNEY GENERAL

December 6, 2013

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

Re: *State v. Calvin Jermaine Pompey*
Appeal from Marion County
Appellate Case No. 2013-001769

Dear Ms. Kitchings:

I hereby request an extension of thirty (30) days in which to file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. The Initial Brief is currently due to be served and filed today, December 6, 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 Appellant and Designation of Matter. I am informing opposing counsel of my request by copy of this letter.

Sincerely,

Alphonso Simon, Jr.,
Assistant Attorney General

AS/dmd

Enclosures

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

RECEIVED

DEC 06 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Marion County
The Honorable D. Craig Brown, Circuit Court Judge
Appellate Case No. 2013-001769

THE STATE OF SOUTH CAROLINA,

APPELLANT,

v.

CALVIN JERMAINE POMPEY,

RESPONDENT

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MOTION FOR SECOND EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT
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 Appellant in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Appellant's Initial Brief is due today, December 6, 2013, upon this Court's grant of Appellant's first request for an extension filed on November 7, 2013.

The undersigned attorney for the Appellant has had a number of state and federal matters to attend to since November 6, 2013. Specifically, counsel has prepared and filed the Return, Motion for Summary Judgment, and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Timothy Charles Hester, #306478 vs. Warden, Evans Correctional Institution, C/A No. 2:13-2529-RMG-BHH, a federal habeas action pending before the United States District Court for the District of South Carolina. Counsel also prepared and filed a

Response in Opposition to Motion for Summary Judgment [Doc. #25] in Quincy Maurice Nash, #272753 vs. Warden, Leroy Cartledge, C/A No. 8:13-2019-RMG-JDA; and a Motion to Supplement Return in the matter of Shirley Ann Edwards, #221579 vs. Warden, Leath Correctional Institution, C/A No. 1:13-1232-RMG-SVH, also federal habeas actions pending before the United States District Court for the District of South Carolina. Counsel has reviewed the files and completed a significant amount of work on the Returns and Memoranda of Law in support of Motion for Summary Judgment in Jonathan Byers, #324474 vs. Warden, Perry Correctional Institution, C/A No. 0:13-2367-MBS-PJG; Samuel T. Johnson, #332718 vs. Robert M. Stevenson, III, C/A No. 5:13-1714-TMC-KDW; and Jamago Sir Edward McKinney, #336810 vs. Michael McCall, C/A No. 0:13-2141-GRA-PJG, all federal habeas actions pending in the United States District Court for the District of South Carolina. Counsel also has reviewed the files and completed work on the Returns and Memorandum of Law in support of Motions for Summary Judgment in the federal habeas matters of Robert Troy Taylor, #315084 vs. Bernard McKie, C/A No. 5:13-2239-RMG-KDW, and Bruce Edward Kirton vs. Warden, MacDougall Correctional Institution, C/A 4:13-2097-GRA-TER, both federal habeas actions pending before the United States District Court for the District of South Carolina.

Counsel prepared a Return and Motion to Dismiss the Application for Post-Conviction Relief in James Nathaniel Bryant vs. State of South Carolina, 2013-CP-26-06631, a post-conviction relief action in a capital case that is now pending in the Court of Common Pleas in Horry County. Counsel also filed the

Return to Motion for Stay of Execution and Appointment of Counsel in Johnny Bennett, #5023 vs. Bryan P. Stirling, Commissioner, South Carolina Department of Corrections, and Joseph McFadden, Warden, Lieber Correctional Institution, C/A No. 2:13-MC-447-RMG-BHH, a federal habeas action in a capital case that is now pending in the United States District Court for the District of South Carolina. Counsel has also spent a substantial amount of time compiling the state court records to file in the district court to comply with an Order filed in the action on November 25, 2013 [Docket Entry #19], which requires Respondent to file the state court records by December 16, 2013.

Counsel filed the Initial Brief of Respondent and Designation of Matter in State vs. Derrell Green, a direct appeal in a Charleston County murder case now pending before the South Carolina Court of Appeals. Counsel has also spent a substantial amount of time reviewing the transcript and exhibits, researching, and beginning the draft the Initial Brief of Appellant and Designation of Matter in State v. Shannon Scott, a State's appeal now pending in the South Carolina Supreme Court in a Richland County murder case.

Counsel has also spent a substantial amount of time working on matters relating to the drafting of the Return to Petition for Writ of Certiorari in Marion Bowman v. State, an appeal in a capital post-conviction relief action now pending before the South Carolina Supreme Court.

Counsel has reviewed the transcript of record, completed a significant amount of research, and started drafting the Initial Brief of Appellant 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 appellant in this proceeding. Thus, counsel is requesting an extension of time in which to file the Brief 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 Appellant and Designation of Matter.

Respectfully submitted,

ALAN WILSON
Attorney General

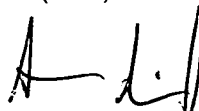
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BY:



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ATTORNEY FOR RESPONDENT

December 6, 2013.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Marion County
The Honorable D. Craig Brown, Circuit Court Judge
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THE STATE OF SOUTH CAROLINA,

APPELLANT,

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CALVIN JERMAINE POMPEY,

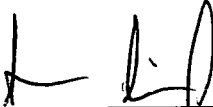
RESPONDENT.

PROOF OF SERVICE

I, Alphonso Simon, Jr., of Counsel for the Appellant, certify that I have served two (2) copies of the within Motion for Second Extension to File Initial Brief of Appellant and Designation of Matter via U.S. mail to his attorney of record, Robert M. Dudek, Chief Appellate Defender, Division of Appellate Defense, 1330 Lady Street, Ste. #401, Columbia, S.C. 29201.

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

This 6th day of December, 2013.



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