

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Dorchester County
Diane Schafer Goodstein, Circuit Court Judge

RECEIVED
DEC 31 2013

SC Court of Appeals

The State of South Carolina,

Respondent,

v.

Don-Survi Chisolm,

Appellant.

Appellate Case No. 2011-200186

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

Respondent, the State, moves this Court for an additional thirty (30) day extension of time in which to file the Initial Brief of Respondent and Designation of Matter. This is Respondent's second 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 for and attended a hearing in Bamberg, South Carolina, on the State's Rule 59 motion in a capital case in post-conviction relief, and also worked on the proposed order following the hearing (*Kenneth Simmons*); prepared and filed a supplement to return and response in opposition to petitioner's motion for summary judgment in a habeas matter (*James Baxley, Jr.*); prepared and filed a return and motion for summary judgment and, a motion for specific waiver or

reconsideration of the appointment of counsel in another capital matter in federal habeas (*Brad Sigmon*); prepared and filed a return and memorandum of law in support of summary judgment in another federal habeas matter (*James Maurice Lawton*); prepared and filed a response in opposition to motion to amend in another federal habeas matter (*Kendall Green*); and, prepared and filed a return and memorandum of law in support of motion for summary judgment in another federal habeas matter (*Demetric Hardaway*). Counsel has also attended several mandatory training sessions for the new document storage software for the agency, and an advanced training session for Adobe Acrobat. Further, counsel has reviewed documents and prepared for presentation of evidence in anticipation of a waiver hearing (currently extended from the week of December 16, 2013 to January 15, 2014) in another capital case in post-conviction relief (*Quincy Allen*); has worked on the post-hearing brief in another capital case in post-conviction relief (*Steven Bixby*); and is currently completing, for filing today, a return and memorandum of law in support of motion for summary judgment in another habeas action with a prior extension (*Eddie Blash, Jr.*).

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.

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

THEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete the initial brief and designation of matter.

Respectfully submitted,

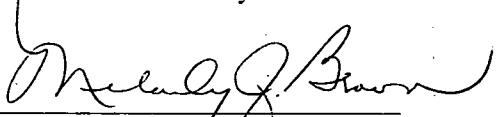
ALAN WILSON
Attorney General

JOHN W. McINTOSH
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DONALD J. ZELENKA
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MELODY J. BROWN
Senior Assistant Attorney General

BY:



MELODY J. BROWN

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December 31, 2013.
Columbia, South Carolina.

ATTORNEYS FOR RESPONDENT

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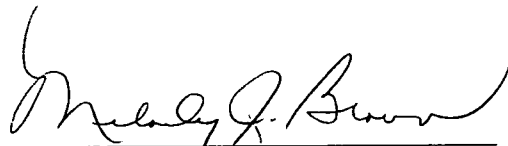
Appellate Case No. 2011-200186

PROOF OF SERVICE

I, Melody J. Brown, certify that I have served Respondent's Motion for a Second 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:

Lara M. Caudy, Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

This 31st day of December, 2013.



MELODY J. BROWN

Office of Attorney General
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(803) 734-6305

ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

December 31, 2013

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

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SC Court of Appeals

Re: The State v. Don Survi-Chisolm
Appeal from Dorchester County
Appellate Case No. 2011-200186

Dear Ms. Kitchings:

Enclosed please find the original and one (1) copy of the Respondent's Motion for Second 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

cc: Robert M. Dudek, Chief Appellate Defender
Lara M. Caudy, Appellate Defender