

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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JAN - 6 2014

Appeal from Richland County
The Honorable Maite D. Murphy, Circuit Court Judge S.C. Supreme Court
Appellate Case No. 2013-002124

THE STATE OF SOUTH CAROLINA,

APPELLANT,

v.

SHANNON SCOTT,

RESPONDENT.

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

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, January 6, 2014, upon this Court's grant of Appellant's first request for an extension filed on December 9, 2013.

The undersigned attorney for the Appellant has had a number of state and federal matters to attend to since December 6, 2013. Specifically, counsel has prepared and filed the Returns, Motions for Summary Judgment, and Memoranda of Law in Support of Motions for Summary Judgment in Jamago Sir Edward McKinney, #336810 vs. Michael McCall, C/A No. 0:13-2141-GRA-PJG; Jonathan Byers, #324474 vs. Warden, Perry Correctional Institution, C/A No.

0:13-2367-MBS-PJG; and Samuel T. Johnson, #332718 vs. Robert M. Stevenson, III, C/A No. 5:13-1714-TMC-KDW; all federal habeas actions pending before the United States District Court for the District of South Carolina. Counsel has also spent a significant amount of time researching and preparing the Returns and Memoranda of Law in Support of Motions for Summary Judgment in the matters of Bruce Edward Kirton, #318515 vs. Warden of MacDougall Correctional Institution, C/A No. 4:13-2097-DCN-TER; and Leroy Archie, #317590 vs. Leroy Cartledge, C/A No. 2:13-3052-RMG-BHH; both federal habeas actions pending before the United States District Court for the District of South Carolina.

Counsel has spent a significant amount of time compiling and preparing for electronic filing of the state court records for filing 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. Those records were filed electronically in the federal habeas action by counsel on Monday, December 16, 2013, in compliance with an Order filed by the District Court on November 25, 2013. [Docket Entry #19].

Counsel filed the Final Brief of Respondent in the Charleston County murder appeal matter of The State vs. Derell Green on January 2, 2014.

Counsel has spent a substantial amount of time reviewing the transcripts and exhibits, researching, and beginning the draft of the Initial Brief of Appellant in State vs. Calvin Jermaine Pompey, a State's appeal now pending in the South

Carolina Court of Appeals in a Marion County murder case. Counsel has also spent a substantial amount of time preparing for the filing of the Initial Reply Brief of Appellant in the Chesterfield County murder appeal matter of The State vs. Graham Franklin Douglas, which is currently due to be filed on January 9, 2014.

Counsel has spent a substantial amount of time reviewing the Appendix and records, researching, and working on the Return to Petition for Writ of Certiorari in Marion Bowman v. State of South Carolina, an appeal in a post-conviction relief action in a capital case that is now pending before the South Carolina Supreme Court. Counsel also spent a substantial amount of time obtaining a copy and scanning the Dorchester County Sheriff's Office's investigative file in that case.

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

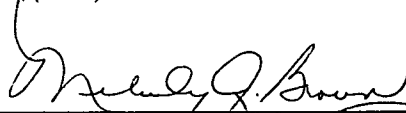
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BY:



MELODY J. BROWN, on behalf of
ALPHONSO SIMON, JR.
ATTORNEY FOR APPELLANT

January 6, 2014.

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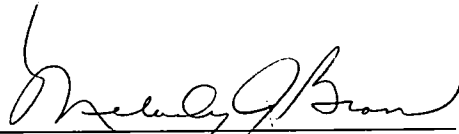
RESPONDENT.

PROOF OF SERVICE

I, Melody J. Brown, on behalf of 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, James Todd Rutherford, Esq., P.O. Box 1452, Columbia, South Carolina 29202-1452.

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

This 6th day of January, 2014.



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