

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chesterfield County
The Honorable J. Michael Baxley, Circuit Court Judge
Appellate Case No. 2013-000148

THE STATE OF SOUTH CAROLINA,

APPELLANT,

v.

GRAHAM FRANKLIN DOUGLAS,

RESPONDENT.

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JAN 09 2014

SC Court of Appeals

MOTION FOR SECOND EXTENSION TO FILE
REPLY BRIEF OF APPELLANT

The undersigned counsel would respectfully request a five (5) day extension in which to file the Reply Brief of Appellant in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Appellant's Reply Brief is due today, January 9, 2014, upon this Court's grant of Appellant's first request for an extension filed on January 3, 2014.

The undersigned attorney for the Appellant has had a number of state and federal matters to attend to since December 23, 2013. Specifically, counsel has 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; Ronald Donald Dingle, #200958 vs. Warden Robert

AIRB 2nd

Stevenson, C/A No. 4:13-2487-DCN-TER, Robert Troy Taylor, #315084 v. Bernard McKie, C/A No. 5:13-2239-RMG-KDW, and James Alexander, #294834 v. Michael McCall, C/A No. 2:13-2868-RMG-BHH; all federal habeas action pending before the United States District Court for the District of South Carolina.

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 also spent a substantial amount of time reviewing the transcripts and exhibits, researching, and beginning the draft of the Initial Brief of Appellant and Designations 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 also spent a significant amount of time drafting the Initial Brief of Appellant in State vs. Calvin Jermaine Pompey, another State's appeal now pending in the South Carolina Court of Appeals in a Marion County murder case.

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 was also out of the office on Monday, January 6, 2014 due to illness.

Counsel has drafted portions of the Reply 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 brief. Thus, counsel is requesting an extension of time in which to file the Reply Brief in

this matter. This request is made in good faith, and not for the purposes of delay. Counsel for Appellant has contacted opposing counsel and has obtained his consent to this request.

WHEREFORE, premises considered, counsel hereby respectfully requests a five (5) day extension of time to serve and file the Reply Brief of Appellant.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Deputy Attorney General

DONALD J. ZELENKA
Assistant Deputy Attorney General

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BY:



ALPHONSO SIMON, JR.
ATTORNEY FOR RESPONDENT

January 9, 2014.

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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 Reply Brief of Appellant via U.S. mail to his attorneys of record, S. Jahue Moore, Esq., and M. Brooks Biediger, Esq., 1700 Sunset Blvd., Post Office Box 5709, West Columbia, SC 29171.

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

This 9th day of January, 2014.



ALPHONSO SIMON, JR.
Office of Attorney General
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Columbia, South Carolina 29211
(803) 734-6307



ALAN WILSON
ATTORNEY GENERAL

January 9, 2014

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: State v. Graham Franklin Douglas
Appeal from Chesterfield County
Appellate Case No. 2013-000148

Dear Ms. Kitchings:

I hereby request an extension of five (5) days in which to file the Reply Brief of Appellant in the above-referenced case. The Reply Brief is currently due to be served and filed today, January 9, 2014. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Reply.

Therefore, I am enclosing an original and six (6) copies of a Motion for Extension of Time to File Reply Brief of Appellant. I have contacted opposing counsel and have obtained his consent to this request.

Sincerely,

Alphonso Simon, Jr.
Assistant Attorney General

AS:dmd

Enclosures

cc: S. Jahue Moore, Sr., Esq. (w/two copies of encls.)
M. Brooks Biediger, Esq. (w/two copies of encls.)