

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Orangeburg County
Edgar W. Dickson, Circuit Court Judge

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FEB 11 2014

SC Court of Appeals

The State of South Carolina,

Respondent,

v.

Carvin Holman,

Appellant.

Appellate Case No. 2012-213249

**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 and filed an amendment to the return in a capital federal habeas action (*Brad Sigmon*); prepared and filed a return and memorandum of law in support of motion for summary judgment, and a motion to strike improperly filed materials, in another federal habeas action (*Charles Dominick*); prepared for, attended, and questioned a forensic psychiatrist for testimony on competency of a death-sentenced inmate at a waiver hearing held January 15, 2014, in Manning,

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SC, in another capital case in post-conviction relief (*Quincy Allen*); prepared for and attended a hearing in Greenville, SC, on the Warden's motion for waiver or in the alternative to reconsider appointment of counsel in the same capital case in federal habeas in which she filed the amendment to the return (*Brad Sigmon*); prepared and filed a response to motion to amend in another federal habeas action (*Bynum Rayfield*); prepared and filed a response in opposition to a motion for stay in another federal habeas action (*James Baxley*); completed and filed a post-hearing brief (ninety-eight (98) pages addressing multiple issues) in another capital case in post-conviction relief which was due to be filed on January 28th, but was extended to Friday, January 31, 2014, for closures of government offices due to inclement weather on the 28th and 29th; prepared for and presented oral argument in the South Carolina Court of Appeals, Thursday, February 06, 2014, in a non-capital murder direct appeal (*State v. David Johnson*); received and reviewed an Order denying the State's Rule 59 motion in another capital case in post-conviction relief (*Kenneth Simmons*); reviewed and filed a final brief of respondent in another non-capital murder direct appeal pending in this Court (*Romeo Brown*); notified interested parties of the decision not to further appeal another capital case on direct appeal (*Steven Barnes*); and, received and reviewed an amended application for post-conviction relief in one of the capital cases in post-conviction relief previously referenced (*Quincy Allen*). Counsel is also working on completion of a return and memorandum of law in support of motion for summary judgment in another federal habeas with three (3) prior extensions (*Anthony Heyward*).

2. Due to her heavy case load, particularly the above listed capital cases which require substantial time in preparation of responsive documents, the closure of government offices (and the Court) for inclement weather (which in turn delayed completion of other work also currently

due), and, the attempt to reduce backlog by filing the documents with the most extensions first, undersigned counsel has not been able to complete a proper responsive pleading in the instant action.

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.

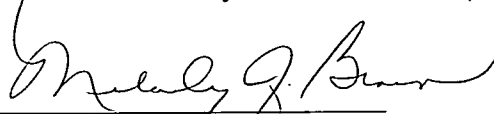
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

MELODY J. BROWN
Senior Assistant Attorney General

BY: 
MELODY J. BROWN

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(803) 734-6305

February 11, 2014.
Columbia, South Carolina.

ATTORNEYS FOR RESPONDENT

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PROOF OF SERVICE

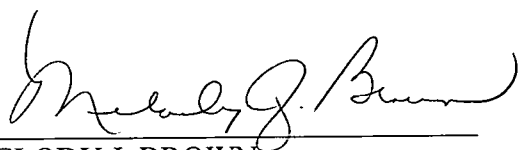
I, Melody J. Brown, certify that I have served Respondent's Motion for a Second Extension of Time on counsel for Appellant, by depositing one copy of same in the United States mail, postage prepaid, to counsel and co-counsel for appellant, addressed as follows:

Robert M. Dudek, Esq.
Chief Appellate Defender
SCCID/Division of Appellate Defense
PO Box 11589
Columbia, SC 29211

and

Franklin B. Joyner, Jr., Esquire
Post Office Box 1434
Cheraw, SC 29520

This 11th day of February, 2014.


MELODY J. BROWN
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
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ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

February 11, 2014

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

Re: The State v. Carvin Holman
Appeal from Orangeburg County
Appellate Case No. 2012-213249

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
Franklin B. Joyner, Jr., Esquire

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