

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Marlboro County
The Honorable Edward B. Cottingham, Circuit Court Judge

Appellate Case No. 2012-213461

THE STATE,

Respondent,

vs.

TYRONE J. KING,

Appellant.

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MAR 17 2014

SC Court of Appeals

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

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Return is due today, March 17, 2014, upon this Court's grant of Respondent's first request for an extension filed on February 21, 2014.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since February 14, 2014. Specifically, counsel has completed and filed the Returns, Motions for Summary Judgment, and Memoranda of Law in Support of Motions for Summary Judgment in Robert Troy Taylor, #315084 vs. Bernard

McKie, C/A No. 5:13-2239-RMG-KDW; Kenneth Whitmore, #227057 vs. R.H. Mauney, Warden, C/A No. 6:13-3217-JMC-KFM; Leroy Archie, #317590 vs. Leroy Cartledge, C/A No. 2:13-3052-RMG-BHH; and Dallas David Lawter, #233695 vs. Warden Robert Stevenson, III, C/A No. 0:13-3354-MGL-PJG; all federal habeas actions pending before the United States District Court for the District of South Carolina. Counsel also spent a significant amount of time researching and preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in Ronald Donald Dingle, #200958 vs. Warden, Robert M. Stevenson, C/A No. 4:13-2487-DCN-TER; another federal habeas action pending before the United States District Court for the District of South Carolina. Counsel also filed a response to a Rule 60(b) Motion [Doc. #56] filed in Damon L. Doyle, #282794 vs. Anthony J. Padula, Warden, C/A No.: 5:10-03242-JMC, another federal habeas action pending before the United States District Court for the District of South Carolina.

Counsel filed the Final Brief of Appellant and Final Reply Brief of Appellant in the matter of The State vs. Graham Franklin Douglas, a State's appeal now pending in the South Carolina Court of Appeals in a Chesterfield County murder case.

Counsel also spent a significant 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 Dorchester County capital case that is now pending before the South Carolina Supreme Court. Counsel also filed the Initial Brief of Appellant in State v. Shannon Scott, a State's appeal in a Protection of Persons and Property Act immunity case now also pending before the South Carolina Supreme Court.

Counsel has spent a significant amount of time reviewing the Transcript of Record in this case. However, due to counsel's involvement in these and other matters pending in state and federal court, counsel is unable to timely complete the Initial Brief of Respondent and Designation of Matter in this proceeding. Thus, counsel is requesting an extension of time in which to file the Initial 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 Respondent 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

ALPHONSO SIMON, JR.
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By: 

ALPHONSO SIMON, JR.
ATTORNEYS FOR RESPONDENT

March 17, 2014.

STATE OF SOUTH CAROLINA
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THE STATE,

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Appellant.

PROOF OF SERVICE

I, Alphonso Simon, Jr., of counsel for the Respondent, certify that I have served two (2) copies of the within motion for a second extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to his attorneys of record, Howard W. Anderson, III, Esq., Law Office of Howard W. Anderson, III, LLC, P.O. Box 851, 402 Pendleton Rd., Ste. #3, Clemson, South Carolina 29633-0851; and to Robert M. Dudek, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201-3332.

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

This 17th day of March, 2014.



ALPHONSO SIMON, JR.
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

March 17, 2014

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: *State v. Tyrone J. King*
Appeal from Marlboro County
Appellate Case No. 2012-213461

Dear Ms. Kitchings:

I hereby request an extension of thirty (30) days in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. The Initial Brief is currently due to be served and filed today, March 17, 2014. 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 Extension of Time to File Initial Brief of Respondent and Designation of Matter. Please let me know if you have any questions.

Sincerely,

Alphonso Simon, Jr.,
Assistant Attorney General

AS/dmd

Enclosures

cc: Howard W. Anderson, III, Esq. (w/two copies of encls.)
Robert M. Dudek, Esq. (w/two copies of encls.)