

STATE OF SOUTH CAROLINA
In the Court of Appeals

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

RECEIVED

APR 14 2014

SC Court of Appeals

The State of South Carolina,

Respondent,

v.

Carvin Holman,

Appellant,

Appellate Case No. 2012-213249

**MOTION FOR FOURTH 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 fourth 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 a motion to dismiss appeal from untimely post-trial motion in a non-capital murder direct appeal in this Court (*Casey Lewis*); negotiated with opposing counsel on discovery issues, and prepared for and attended a status conference in Bishopville, SC, and drafted a subsequent amended scheduling order in a capital post-conviction relief action (*Qunicy Allen*); prepared and filed a return and memorandum of law in support of summary judgment in a federal habeas action (*John Dykeman*); prepared and filed a motion to supplement return in another

federal habeas action (*Eddie Blash*); prepared and filed another return and memorandum of law in support of motion for summary judgment in another federal habeas action (*Sherinette Wannamaker*); and prepared, for filing today, a motion to strike in the above referenced matter in this Court (*Casey Lewis*), and a response in opposition to a motion to amend in another federal habeas action (*Antonio Boykin*). Further, undersigned counsel has also recently been appointed to a capital post-conviction relief action which is scheduled to begin today, April 14, 2014. This has required Counsel to travel to Spartanburg for exhibit review on April 9, 2014, and again on April 11, 2014, in preparation for the hearing, along with completing other required actions and research to prepare for the evidentiary hearing. Undersigned counsel is advised the hearing is to last three days this week, and will resume with expert testimony the following week through and including Thursday, April 24, 2014.

2. Due to her heavy case load, particularly the above listed capital cases which require substantial time in preparation, undersigned counsel has not been able to complete a proper responsive brief in the instant action. However, counsel has completed a substantial portion of the research and review necessary to complete the brief.

3. This is the fourth request for an extension of time in which to file a response. The motion is not for purposes of simple delay, rather is necessitated by the heavy caseload and responsibilities assigned the undersigned, especially in light of the scheduled capital post-conviction relief evidentiary hearing noted above. After completion of that hearing, Respondent will work diligently to complete the responsive brief and designation of matter in this action.

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

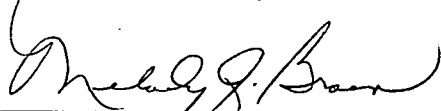
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

MELODY J. BROWN
Senior Assistant Attorney General

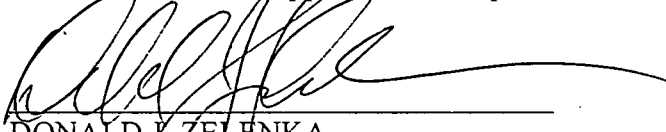
BY: 
MELODY J. BROWN
S.C. Bar No. 14244

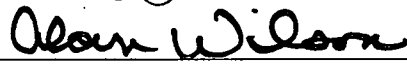
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

April 14, 2014.
Columbia, South Carolina.

ATTORNEYS FOR RESPONDENT

I have reviewed and approved this request.


DONALD J. ZELENKA
Senior Assistant Deputy Attorney General


ALAN WILSON
ATTORNEY GENERAL

STATE OF SOUTH CAROLINA
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PROOF OF SERVICE

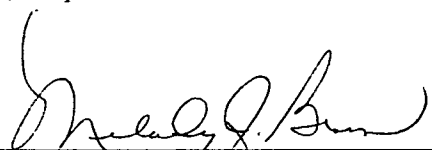
I, Melody J. Brown, certify that I have served Respondent's Motion for a Fourth Extension of Time on counsel for Appellant, by depositing one copy of same in the United States mail, postage prepaid, to counsel for appellant, addressed as follows:

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 14th day of April, 2014.


MELODY J. BROWN
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-6305

ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

April 14, 2014

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SC Court of Appeals

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 Respondent's Motion for Fourth Extension of Time to file Initial Brief of Respondent and Designation of Matter, dated today, 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
Enclosures

cc: Robert M. Dudek, Chief Appellate Defender
Franklin B. Joyner, Jr., Esquire